

PART II. HOME RULE AMENDMENTS

ORDINANCE NO. 1117

[QUESTION ON ADOPTION OF HOME RULE*]

***Editor's note**—Pursuant to Home Rule, a change in the form of City Government was adopted by Ord. No. 1852.

Adopted by City Commission.....July 23, 1963
Referendum Election.....November 7, 1963
Certified by Election CommissionJanuary 1, 1964

AN ORDINANCE TO SUBMIT THE QUESTION “SHALL THIS MUNICIPALITY ADOPT HOME RULE?” TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE CITY GENERAL ELECTION TO BE HELD NOVEMBER 7, 1963.

Section I.

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS that pursuant to Section 9 of Article 11 of the Constitution of the State of Tennessee as amended, the City of Memphis does hereby submit to its qualified voters in the City General Election to be held in the City of Memphis on November 7, 1963, the question:

“Shall this municipality adopt Home Rule?”

Section II.

BE IT FURTHER ORDAINED, that the proper County Election Officers in charge of holding the City General Election on November 7, 1963, be and they are hereby petitioned to have said question set forth above included in the ballot to be used in said City General Election and to certify to the Comptroller of the City of Memphis the result of said election who shall see that said resolutions are made a part of the minutes of the Board of Commissioners.

Section III.

BE IT FURTHER ORDAINED, that this ordinance take effect from and after its passage, the public welfare requiring it.

HENRY LOEB, Mayor

Attest:

C.W. CRUTCHFIELD, Comptroller

Ordinance No. 1509

[Fixing, Determining Salaries of Mayor and Board of Commissioners]

Adopted by City Commission.....June 8, 1965
Referendum Election.....August 4, 1966
Certified by Election Commission

AN ORDINANCE TO PROPOSE AN AMENDMENT TO HOME RULE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, PURSUANT TO SECTION 9 OF ARTICLE 11 OF THE CONSTITUTION OF THE

STATE OF TENNESSEE, AS AMENDED, TO AUTHORIZE THE MAYOR AND BOARD OF COMMISSIONERS BY ORDINANCE TO FIX AND DETERMINE THE SALARIES OF THE MAYOR AND COMMISSIONERS AND ALL OTHER ELECTED AND/OR APPOINTED CITY OFFICERS AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, TENNESSEE, AT THE FIRST GENERAL ELECTION TO BE HELD AUGUST 4, 1966.

Section 1.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Section 9, of Article 11, of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, Tennessee, to its qualified voters at the first general state election and which shall be held in the City of Memphis, Tennessee, on August 4, 1966, and which shall be held at least sixty (60) days after such publication:

“SHALL THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, BE AMENDED TO AUTHORIZE THE MAYOR AND BOARD OF COMMISSIONERS BY ORDINANCE TO FIX AND DETERMINE THE SALARIES OF THE MAYOR AND COMMISSIONERS AND ALL OTHER ELECTED AND/OR APPOINTED CITY OFFICIALS?”

Section 2.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption thereof.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee, shall certify the adoption of this ordinance to the Shelby County Election Commission in charge of holding the first general state election on August 4, 1966, and request that this proposed amendment to the Home Rule Charter of the City of Memphis, Tennessee, be placed on the ballot to be used in said first general state election to be held in August of 1966.

Section 4.

BE IT FURTHER ORDAINED, that the Mayor and Board of Commissioners be authorized to appropriate and expend out of the general revenues of the City of Memphis, Tennessee, a sum sufficient to pay for the pro-rata cost of this special City election.

Section 5.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, Tennessee, the result of said election, who shall see that said resolutions are made a part of the minutes of the Board of Commissioners.

Section 6.

BE IT FURTHER ORDAINED, that this ordinance take effect immediately after its passage, the public welfare requiring it.

WILLIAM B. INGRAM, JR.,
Mayor.

Attest:

C.W. CRUTCHFIELD, Comptroller.

Ordinance No. 1794*

[Municipal Runoff Elections]

* **Editor's note**—Ord. No. 1794 contained a notation signed by Mayor William B. Ingram, Jr., dated June 22, 1966, as follows: "I do not approve this ordinance and will not sign it. I recommend that it go on the Nov. Gen. Election Ballot."

Adopted by City Commission..... May 31, 1966
Referendum Election..... November, 1966
Certified by Election Commission

AN ORDINANCE TO PROPOSE AN AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, PURSUANT TO SECTION 9 OF ARTICLE 11 OF THE CONSTITUTION OF THE STATE OF TENNESSEE, AS AMENDED, TO REQUIRE IN ALL MUNICIPAL ELECTIONS HELD HEREFTER, THAT A CANDIDATE MUST RECEIVE A MAJORITY OF THE VOTES CAST IN SAID ELECTION FOR THE OFFICE FOR WHICH HE IS A CANDIDATE IN ORDER TO BE ELECTED; AND IF NO CANDIDATE RECEIVES SUCH A MAJORITY OF VOTES, THEN A MUNICIPAL RUNOFF ELECTION SHALL BE HELD FOUR WEEKS THEREAFTER, WHEREIN THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES IN THE MUNICIPAL ELECTION SHALL BE THE ONLY CANDIDATES AND THE CANDIDATE RECEIVING THE MAJORITY OF THE VOTES CAST IN SAID RUNOFF ELECTION SHALL BE ELECTED.

Section 1.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, Tennessee, to its qualified voters at the first general state election and which shall be held in the City of Memphis, Tennessee, at least sixty (60) days after such publication:

QUESTION:

SHALL THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, BE AMENDED TO REQUIRE, IN ALL MUNICIPAL ELECTIONS HELD HEREFTER, THAT A CANDIDATE MUST RECEIVE A MAJORITY OF THE VOTES CAST IN SAID MUNICIPAL ELECTION, AND IF NO CANDIDATE RECEIVES SUCH A MAJORITY OF VOTES, THEN A MUNICIPAL RUNOFF ELECTION SHALL BE HELD FOUR (4) WEEKS THEREAFTER WHEREIN TWO (2) CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES IN THE MUNICIPAL ELECTION SHALL BE THE ONLY CANDIDATES, AND THE CANDIDATE RECEIVING A MAJORITY OF THE VOTES CAST IN SAID RUNOFF ELECTION SHALL BE ELECTED.

IF IN FAVOR OF THE AMENDMENT VOTE
YES ()

IF OPPOSED TO THE AMENDMENT VOTE
NO ()

Section 2.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption thereof.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee, shall certify the adoption of this ordinance to the Shelby County Election Commission in charge of holding the first general state election, and

request that this proposed amendment in the Home Rule Charter of the City of Memphis, Tennessee, be placed on the ballot to be used in said first general state election.

Section 4.

BE IT FURTHER ORDAINED, that the Mayor and Board of Commissioners be authorized to appropriate and expend out of the general revenues of the City of Memphis, Tennessee, a sum sufficient to pay for the pro-rata cost of this special City election.

Section 5.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, Tennessee, the result of said election, who shall see that said resolutions are made a part of the minutes of the Board of Commissioners.

Section 6.

BE IT FURTHER ORDAINED, that this ordinance take effect immediately after its passage, the public welfare requiring it.

WILLIAM B. INGRAM, JR.,
Mayor.

Attest:
C.W. CRUTCHFIELD, Comptroller.

Ordinance No. 1851

[City Juvenile Court System]

Adopted by City Commission.....August 9, 1966
Referendum Election.....November 8, 1966
Certified by Election Commission

AN ORDINANCE TO PROPOSE AN AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, PURSUANT TO SECTION 9, OF ARTICLE 11, OF THE CONSTITUTION OF THE STATE OF TENNESSEE, AS AMENDED, TO AUTHORIZE THE MAYOR AND BOARD OF COMMISSIONERS BY ORDINANCE TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, TENNESSEE, AT THE GENERAL ELECTION TO BE HELD NOVEMBER 8,1966, THE QUESTION OF WHETHER OR NOT THE RESIDENTS WITHIN THE CORPORATE LIMITS OF THE CITY OF MEMPHIS, TENNESSEE, AUTHORIZE THE MAYOR AND BOARD OF CITY COMMISSIONERS, BY ORDINANCE, TO AMEND THOSE SECTIONS OF THE CITY CHARTER WHICH ESTABLISHES THE JUVENILE COURT, OR IF AND WHEN, A COUNTY-WIDE JUVENILE COURT SYSTEM IS ESTABLISHED FOR SHELBY COUNTY, TO ABOLISH THE CITY JUVENILE COURT SYSTEM ENTIRELY.

Section 1.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted to the City of Memphis, Tennessee, to its qualified voters at the General Election to be held November 8, 1966, in the City of Memphis, Tennessee, and which shall be held at least sixty (60) days after such publication:

“SHALL THE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, BE AMENDED SO AS TO AUTHORIZE THE MAYOR AND BOARD OF CITY COMMISSIONERS, BY ORDINANCE, TO AMEND THOSE

SECTIONS OF THE CITY CHARTER WHICH ESTABLISHES THE JUVENILE COURT, OR IF AND WHEN A COUNTY-WIDE JUVENILE COURT SYSTEM IS ESTABLISHED FOR SHELBY COUNTY, TO ABOLISH THE CITY JUVENILE COURT SYSTEM ENTIRELY?"

Section 2.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption thereof.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee, shall certify the adoption of this ordinance to the Shelby County Election Commission in charge of holding the General Election on November 8, 1966, and request that this proposed amendment to the Home Rule Charter of the City of Memphis, Tennessee, be placed on the ballot to be used in said General Election to be held on November 8, 1966.

Section 4.

BE IT ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, Tennessee, the result of said election, who shall see that said resolutions are made a part of the minutes of the Board of Commissioners.

Section 5.

BE IT FURTHER ORDAINED, that this ordinance take effect from and after its passage, the public welfare requiring it.

WILLIAM B. INGRAM, JR.,
Mayor.

Attest:

C.W. CRUTCHFIELD,
City Comptroller.

Ordinance No. 1852

[Change the Form of City Government*]

*Editor's note—For question on adoption of home rule, see Ord. No. 1117.

Adopted By City CommissionAugust 16, 1966
Referendum Election.....November 8, 1966
Certified By Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11, OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT)

PREAMBLE

WHEREAS, In a municipal election held in the City of Memphis on the 7th day of November, 1963, a majority of the qualified persons voting therein elected to and did vote in favor of the question "Shall This Municipality Adopt Home Rule?" and

WHEREAS, a group of two hundred thirty-four residents and non-residents of the City of Memphis in a private election held by the members and officers of an organization known as P.O.P. voted to request the Board of City

Commissioners to make it possible for the people of Memphis to vote on a proposal to change the form of government of the City of Memphis; and

WHEREAS, it is deemed advisable and in the best interests of the Citizens of the City of Memphis that the said Citizens be given an opportunity to vote on a proposal changing the form of government of the said City pursuant to the provisions of Article 11, Section 9, Constitution of the State of Tennessee (Home Rule Amendment); and

WHEREAS, in order to place a proposal before the people of the City of Memphis for a vote on whether or not to change the form of City government, it is necessary to adopt an ordinance submitting said proposal to the people of Memphis for a vote at the next general state election.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY of Memphis, that the present Charter of said City, consisting of the provisions of the Acts of the State of Tennessee, for the year 1879, Chapter 11, as amended, be and the same is further amended as follows:

Section 1. Legislative Council.

There is hereby established a "Council of the City of Memphis." The legislative power of the City shall be vested in the Council which shall have all legislative powers heretofore exercised by the Board of Commissioners, including but not limited to, the right to fix the tax rate and to approve and adopt all budgets. The Council members shall be subject to the same restrictions and prohibitions as heretofore provided for Commissioners. The Council shall be vested with all other powers of the City not specifically vested in some other officer or officers of the City. The Council shall not, however, exercise executive or administrative powers nor interfere in the operation of the administrative divisions.

The Council shall consist of thirteen (13) members, six (6) elected from the City at large and seven (7) elected from the seven districts hereinafter described. Each member shall be a resident of the City and each district Councilman shall be a resident of the district from which he or she is elected. There shall be no more than seven (7) districts.

Members of the Council shall serve for term of four (4) years, beginning January 1st, 1968, and shall hold office until their successors are elected and qualified. They shall be elected at times and in the manner provided heretofore for the members of the Board of Commissioners. They shall meet at times now required of the Board of Commissioners. The Council shall elect from among its membership its own presiding officer, who shall be designated Chairman, for a term of one (1) year; the Chairman shall be eligible to succeed himself. Special sessions may be called by the Chairman of the Council or by a majority of its membership. Councilmen shall be paid six thousand (\$6,000.00) dollars per annum, payable semimonthly. Said Councilmen shall not be required to devote full time to their duties but may engage actively in other businesses or professions not directly connected therewith.

No person shall be elected or appointed as a Councilman unless he or she shall have been a resident voter and taxpayer of the City of Memphis for not less than five (5) years preceding his or her election or appointment, or unless he or she shall have resided during the five (5) years preceding his or her election or appointment in territory that has been annexed to and at the time of such election or appointment forms a part of the City of Memphis, but it shall not be necessary for the territory in which such person resides to be annexed for five (5) years; nor shall any person be elected or appointed as a member of the Council from a particular council district unless he or she has been a resident of such district for not less than six (6) months preceding his or her election.

A nominating petition or other qualifying procedure on behalf of a candidate for the office of Councilman for a district shall designate the number of the particular district of the Legislative Council for which he or she is a candidate. A nominating petition or other qualifying procedure on behalf of a candidate for the office of Councilman for an "at large" member of the Council shall designate the position by number 1 through 6 for which he or she is a candidate.

Each nominating petition shall be accompanied by a deposit of one hundred (\$100.00) dollars to be made with the Secretary of the Shelby County Election Commission. In the event a candidate shall be elected or receive as much as ten per cent (10%) of the total votes polled in the particular race in which he or she is a candidate, said amount shall be refunded to such candidate; otherwise, said amount shall be paid by the Secretary of the Election Commission to the Comptroller of the City of Memphis and by him applied to the general fund of the City. No person may be qualified as a candidate for more than one office in any one election.

Removal of residence by a Councilman from the City of Memphis shall constitute a vacancy on the Council, but removal from one council district to another shall not constitute such vacancy. Upon any vacancy occurring in the Council, including a vacancy in the office of Chairman, by reason of death, resignation, removal or otherwise, the remaining members of the Council shall have the power by a majority vote to elect a person to fill such vacancy and to serve until his successor is elected and qualified. Said vacancy shall be filled as soon as possible and within a period not to exceed thirty (30) days thereafter. Such elected member shall possess the requisite qualifications for membership for that particular position on the Council, including the requirement that he or she be a resident of said district from which he or she is elected in the event of a district vacancy and shall take office immediately upon election and hold said office until his or her successor is elected and qualified. A successor shall be elected to fill out the remainder of the term of the Councilman whose seat was vacated in the same manner as now provided for filling of vacancies on the Board of Commissioners, except that such special municipal election shall be held on the date of the next regular August or November election. In the event a person elected as Councilman shall be absent from duty without proper and reasonable explanation therefor being made for a period of ninety (90) days, his or her said office shall be declared vacated and said vacancy shall be filled as herein provided.

The Council shall require a majority of its members to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and can adopt such measures as are necessary to compel the attendance of absent members.

The Council shall have full power as now provided to pass, for the government of the City, any ordinance not in conflict with the Constitution or laws of the United States, or the State of Tennessee, within the specific limitations set forth hereinbelow; and no ordinance shall be valid if it embraces more than one subject, that subject to be expressed in its title. No ordinance shall become effective until the same shall have passed at least three (3) regular meetings of the Council and shall have received at each meeting a majority vote of all of the members composing said Council, and unless the same shall have been published as now provided by law. Amendments may likewise be made as now provided and every ordinance shall be signed by the Chairman of the Council, certified by the Comptroller or such other officer of the City as the Council may designate, and recorded in a well-bound book to be kept by the Comptroller, which shall contain only ordinances. Ordinances shall not become effective until the adoption of the ordinance in final form has been certified and delivered to the office of the Mayor in writing by the Comptroller or such other officer of the City as the Council may designate.

The Council shall have no power to establish a property tax rate in excess of \$2.45 per \$100.00 of assessed valuation, said amount being the present limitation on the tax authority of the City of Memphis.

The Council shall have no power to reduce or in any way diminish the pension benefits and other fringe benefits provided for all City employees as of the date the proposed new form of government becomes effective.

Further, the Council shall have no power to pass any ordinance or in any manner grant authority to borrow from or encumber the pension fund of the City of Memphis in any manner whatsoever.

The Mayor shall be responsible to the Council for the administration of all units of the City government under his jurisdiction and for carrying out policies adopted by the Council. Except for the purposes of inquiry or investigation, the Council and its members shall deal with the administrative officers under the Mayor's direction and the employees of the administrative departments solely through the Mayor's office. Neither the Council nor any member thereof shall give orders directly to the Mayor's subordinates or otherwise interfere with the operation of the administrative departments through such means as directing or requesting the appointment or removal of any of the Mayor's subordinates, or by suggesting or promoting the making of particular purchases from, or contracts with, any specific organization, or by applying for special services not available to all citizens. The office of any Councilman violating any provision of this section shall immediately become vacant upon his conviction of such type of misconduct in a court of competent jurisdiction.

The Council shall have full power and authority to adopt rules and regulations pertaining to the conduct of the Council, including the power to issue subpoenas and administer oaths, as now provided for the Board of Commissioners.

The Council shall have no power to impair or diminish by ordinance or otherwise any governmental immunity heretofore granted to municipalities.

The districts shall be bounded as follows:

DISTRICT ONE shall be and is composed of the areas encompassed by the following Wards:

Ward 53	Precinct 3
Ward 69	Precinct 1
Ward 69	Precinct 2
Ward 69	Precinct 3
Ward 70	Precinct 1
Ward 70	Precinct 2
Ward 70	Precinct 3
Ward 71	Precinct 1
Ward 71	Precinct 2
Ward 71	Precinct 3
Ward 72	Precinct 1
Ward 72	Precinct 2
Ward 72	Precinct 3
Ward 72	Precinct 4
Ward 72	Precinct 5
Ward 72	Precinct 6
Ward 72	Precinct 7
Ward 83	
Ward 84	
Ward 85	Precinct 1
Ward 85	Precinct 2
Ward 86	
Ward 87	Precinct 1
Ward 87	Precinct 2
Ward 87	Precinct 3
Ward 88	Precinct 1
Ward 88	Precinct 2
Ward 90	Precinct 1
Ward 90	Precinct 2
Ward 90	Precinct 3

DISTRICT TWO shall be and is composed of the areas encompassed by the following Wards:

Ward 46	Precinct 3
Ward 54	Precinct 2
Ward 55	Precinct 1
Ward 55	Precinct 2
Ward 56	Precinct 1
Ward 56	Precinct 2
Ward 57	
Ward 58	Precinct 1
Ward 58	Precinct 2
Ward 58	Precinct 4
Ward 58	Precinct 5
Ward 58	Precinct 6
Ward 63	Precinct 1
Ward 63	Precinct 2
Ward 64	Precinct 1
Ward 64	Precinct 2

Ward 65	Precinct 1
Ward 65	Precinct 2
Ward 66	Precinct 1
Ward 66	Precinct 2
Ward 67	Precinct 1
Ward 67	Precinct 2
Ward 67	Precinct 3
Ward 68	Precinct 1
Ward 68	Precinct 2
Ward 68	Precinct 3
Ward 74	Precinct 6
Ward 80	Precinct 1
Ward 80	Precinct 2
Ward 81	Precinct 1
Ward 81	Precinct 2
Ward 81	Precinct 3
Ward 81	Precinct 4
Ward 81	Precinct 5
Ward 81	Precinct 6
Ward 88	Precinct 3
Ward 89	Precinct 1
Ward 89	Precinct 2

DISTRICT THREE shall be and is composed of the areas encompassed by the following Wards:

Ward 60	Precinct 5
Ward 60	Precinct 7
Ward 73	Precinct 2
Ward 73	Precinct 3
Ward 73	Precinct 4
Ward 73	Precinct 5
Ward 73	Precinct 6
Ward 74	Precinct 1
Ward 74	Precinct 2
Ward 74	Precinct 3
Ward 74	Precinct 4
Ward 74	Precinct 5
Ward 74	Precinct 7
Ward 74	Precinct 8
Ward 74	Precinct 9
Ward 77	Precinct 1
Ward 77	Precinct 2
Ward 77	Precinct 3
Ward 78	Precinct 1
Ward 78	Precinct 2
Ward 78	Precinct 3
Ward 78	Precinct 4
Ward 78	Precinct 5
Ward 79	Precinct 1
Ward 79	Precinct 2
Ward 79	Precinct 3

Ward 79	Precinct 4
Ward 79	Precinct 5
Ward 79	Precinct 6
Ward 79	Precinct 7

DISTRICT FOUR shall be and is composed of the areas encompassed by the following Wards:

Ward 26	Precinct 1
Ward 26	Precinct 2
Ward 29	Precinct 1
Ward 29	Precinct 2
Ward 31	Precinct 1
Ward 31	Precinct 2
Ward 31	Precinct 3
Ward 31	Precinct 4
Ward 32	
Ward 34	Precinct 1
Ward 45	Precinct 2
Ward 47	Precinct 1
Ward 47	Precinct 2
Ward 47	Precinct 3
Ward 48	
Ward 49	Precinct 2
Ward 58	Precinct 3
Ward 59	Precinct 1
Ward 59	Precinct 2
Ward 59	Precinct 3
Ward 59	Precinct 4
Ward 60	Precinct 2
Ward 60	Precinct 3
Ward 60	Precinct 4
Ward 60	Precinct 6
Ward 60	Precinct 8
Ward 61	Precinct 1
Ward 61	Precinct 2
Ward 73	Precinct 1

DISTRICT FIVE shall be and is composed of the areas encompassed by the following Wards:

Ward 15	
Ward 16	Precinct 1
Ward 16	Precinct 2
Ward 16	Precinct 3
Ward 17	Precinct 1
Ward 17	Precinct 2
Ward 20	Precinct 1
Ward 20	Precinct 2
Ward 28	Precinct 1
Ward 28	Precinct 2
Ward 30	
Ward 33	

Ward 36	Precinct 1
Ward 36	Precinct 2
Ward 36	Precinct 3
Ward 37	
Ward 38	Precinct 1
Ward 38	Precinct 2
Ward 38	Precinct 3
Ward 43	Precinct 1
Ward 44	Precinct 1
Ward 44	Precinct 2
Ward 44	Precinct 3
Ward 44	Precinct 4
Ward 44	Precinct 5
Ward 45	Precinct 1
Ward 45	Precinct 3
Ward 45	Precinct 4
Ward 46	Precinct 1
Ward 46	Precinct 2
Ward 52	Precinct 2
Ward 52	Precinct 3
Ward 53	Precinct 1
Ward 53	Precinct 2
Ward 54	Precinct 1
Ward 62	Precinct 1
Ward 62	Precinct 2

DISTRICT SIX shall be and is composed of the areas encompassed by the following Wards:

Ward 12	
Ward 13	Precinct 1
Ward 13	Precinct 2
Ward 13	Precinct 3
Ward 25	Precinct 2
Ward 35	Precinct 1
Ward 35	Precinct 2
Ward 35	Precinct 3
Ward 49	Precinct 1
Ward 50	Precinct 1
Ward 50	Precinct 2
Ward 60	Precinct 1
Ward 75	Precinct 1
Ward 75	Precinct 2
Ward 75	Precinct 3
Ward 75	Precinct 4
Ward 75	Precinct 5
Ward 75	Precinct 6
Ward 75	Precinct 7
Ward 75	Precinct 8
Ward 75	Precinct 9
Ward 75	Precinct 10
Ward 76	Precinct 1

Ward 76	Precinct 2
Ward 76	Precinct 3
Ward 76	Precinct 4
Ward 76	Precinct 5
Ward 82	Precinct 1
Ward 82	Precinct 2
Ward 82	Precinct 3

DISTRICT SEVEN shall be and is composed of the areas encompassed by the following Wards:

Ward 1	
Ward 2	
Ward 7	
Ward 11	Precinct 1
Ward 11	Precinct 2
Ward 14	
Ward 18	
Ward 20	Precinct 3
Ward 21	Precinct 1
Ward 21	Precinct 2
Ward 21	Precinct 3
Ward 22	
Ward 25	Precinct 1
Ward 25	Precinct 3
Ward 25	Precinct 4
Ward 27	Precinct 1
Ward 27	Precinct 2
Ward 27	Precinct 3
Ward 34	Precinct 2
Ward 39	
Ward 40	Precinct 1
Ward 40	Precinct 2
Ward 41	Precinct 1
Ward 41	Precinct 2
Ward 41	Precinct 3
Ward 42	Precinct 1
Ward 42	Precinct 2
Ward 43	Precinct 2
Ward 51	
Ward 52	Precinct 1

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts one (1) through seven (7). Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners, Shelby County, Tennessee, for resolutions establishing precinct lines. A map describing said Districts is filed with the Comptroller of the City of Memphis. (Ord. No. 972, § 1, 6-22-71; Ord. No. 3275, § 1, 3-15-83)

Editor's note—Ord. No. 972 and subsequently 3275 amended § 1 of Ord. No. 1852 by revising the wards of the seven districts.

Section 2. Areas Assigned on Annexation.

BE IT FURTHER ORDAINED, that the terms and provisions of an annexation ordinance shall describe the area to be annexed and shall assign such area to a council district or districts. In order to assure that districts shall at all times be as equal in population as practicable, revisions, changes or eliminations shall be made and new districts created; however, there shall be no more than seven (7) districts as heretofore set forth.

Editor's note—For election of temporary councilmen from newly annexed territory, see Ord. No. 662.

Section 3. Re-Districting After Decennial Census.

BE IT FURTHER ORDAINED, that notwithstanding the provisions of the preceding Section of this Ordinance, a review and adjustment of the boundaries of said districts as originally established, or as thereafter changed, shall be completed not less than ninety (90) days prior to the next Municipal Election following the publication of the official decennial federal census and shall be as equal in population as practicable.

Section 4. Mayor.

BE IT FURTHER ORDAINED, that the Chief Executive Officer of the City of Memphis shall be the Mayor, who shall be vested with and exercise the executive and administrative power of the City, shall be authorized to administer, supervise and control all divisions, boards, agencies, offices and employees of the City and shall see that the ordinances and provisions of the Charter are observed, except as otherwise specifically provided. Such administration shall be conducted by and through divisional directors under the supervision and control of the Mayor, as provided herein. He shall devote his entire time and attention to the duties of his office.

The Mayor shall be elected by a vote of the qualified electors of the City for a term of four (4) years, beginning January 1, 1968, and shall hold office until his successor is elected and qualified. He shall be compensated at the rate of twenty-five thousand (\$25,000.00) dollars per annum, payable semimonthly. There shall be likewise included in the budget an expense allowance for use by the Mayor as he may determine for public purposes, in the amount of five thousand (\$5,000.00) dollars per annum. The Council may from time to time increase or decrease such salary and expense allowance, but such change may not take effect in the term during which the change was made, and may not be decreased below the amounts above stated. The qualifications of the Mayor shall be the same as those required herein for members of the Council, and no candidate for Mayor shall qualify for any other elective office.

Subject to provisions of the Charter including civil service regulations thereof, and ordinances, the Mayor shall appoint and when he deems it necessary for the good of the people, may suspend or remove any employees of the City of Memphis, including any appointive officers or department heads provided for by or under the Charter. The Mayor may delegate to any appointive administrative officer the power to appoint, suspend or remove subordinates in that officer's division, department, office or agency subject to such conditions and limitations as he may prescribe.

The Mayor shall have the power to veto ordinances passed by the Council, and he shall report his reasons for such disapproval of such ordinance not later than the second (2) regular session of the Council following receipt of the certification of such ordinances and delivering of same to the office of the Mayor. The Council may override such veto by a majority vote of its membership at either of the two regular sessions of the council following receipt of the Mayor's written disapproval of such ordinance.

In the case of the death, resignation, inability for any reason to serve, or recall of the Mayor or his removal from the City, his office shall be occupied by the Chairman of the Council for a period not exceeding twenty (20) calendar days, during which period the Council shall elect a successor to the Mayor from among qualified persons not members of the Council at the time of such elections. Such elected person shall take office as Mayor immediately on election and shall hold office until his successor is elected or qualified, which office shall thereupon be filled in the same manner as heretofore provided for vacancies on the Council. In the event the Council shall fail to act within the twenty (20) day period, the Director of Administration [Chief Administrative Officer] * shall fill said office until such time as the members of the Council shall have elected a successor or until the next general or municipal election.

Section 5. Civil Service.

BE IT FURTHER ORDAINED, that the Chief of Police and the Assistant Chiefs of Police and the Chief of the Fire Department and the Deputy Chiefs of the Fire Department, including the Fire Marshal, in the Department of Fire and

Police as presently established shall hereinafter be included in the coverage of civil service and provided further, that the Council may by ordinance add positions, including remaining department heads, to the present coverage of civil service; provided further that no director of the principal administrative divisions nor the Director of Administration [Chief Administrative Officer] * shall be given civil service status.

There shall be no discrimination in the city employment of personnel because of religion, race, sex, creed or political affiliation, nor shall there be any discrimination in the promotion or demotion of city employees because of religion, race, sex, creed or political affiliation.

***Editors note**—In view of the provisions of § 8 of this ordinance, it is felt that the term “Director of Administration,” as used here, should have been “Chief Administrative Officer”.

Section 6. Political Activity Prohibited.

BE IT FURTHER ORDAINED, that no full-time employee of the City with the exception of elected and appointed officials, shall continue in the employment of the City after becoming a candidate for nomination or election to any public office. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with obtaining or procuring employment with the city government. No person shall solicit directly or indirectly any assessment, subscription or contribution from any full-time employee of the City in connection with any city election. No full-time employee shall make any contribution to the campaign funds of any candidate in any city election. No such employee shall engage in political activity, directly concerned with the city government or any candidate for political office thereunder, except to vote and state his opinions privately or through an organization. Any person who wilfully violates or brings about the violation of any provision of this section directly or indirectly shall be guilty of a misdemeanor and punishable by fine not in excess of fifty (\$50.00) dollars, and if an employee or official of the City shall upon finding of guilty immediately cease to be such employee or official of the City and be ineligible to hold any position with or employment with the City for a period of five (5) years thereafter.

Section 7. Recall of Mayor.

BE IT FURTHER ORDAINED, that upon petition signed by a number of qualified voters equal to ten per centum of the total number of votes cast in the last municipal election for the office of Mayor and filed with the Election Commission (provided that no such petition shall be filed during the first two years of his term), the Election Commission shall call an election at the time of the next General Election after the filing of such petition at which said election the question shall be: “Shall the Mayor be Recalled?” If a number of voters equal to a majority of those voting on the question shall vote to recall the Mayor, the office shall be vacated when the Election Commission shall declare the results, and shall immediately be occupied by the person so designated to succeed the Mayor in case of his death, inability for any reason to serve, or resignation.

Section 8. Administrative Divisions.

BE IT FURTHER ORDAINED, that the principal administrative divisions of the City shall be: The Division of Fire and Police; the Division of Public Works; the Division of Public Service; the Division of Finance and Institutions; the Division of Administration and Welfare; and the component subdivisions of such divisions shall be the departments and agencies as heretofore distributed among the several commissioners; provided, however, that the Council, upon proposal by the Mayor, may by ordinance reorganize and may (1) transfer departments and agencies from one division to another; (2) add or abolish departments and agencies within divisions, or (3) add divisions; provided further that nothing herein shall alter or transfer the organization and powers of existing boards and commissions in cases wherein the powers, duties and responsibilities of said boards and commissions are fixed by direct act of the Legislature of the State of Tennessee, except when specifically authorized herein or authorized in said acts.

The Legal Department of the City is hereby constituted a department under the Mayor. It shall be headed by a City Attorney appointed as department heads are appointed and removable in the same manner as said department heads.

The several principal administrative divisions shall be headed by directors who shall be appointed by the Mayor with the approval of a majority of the Council; a Director shall be subject to removal by the Mayor with a concurrence of a majority of the Council. The term of office of each Director shall be the same as that of the appointing Mayor, and

said Directors shall continue in office until their successors have been appointed and approved. A Director likewise may be removed from office for cause as now provided by law.

The Mayor may appoint subject to the approval of the Council a Chief Administrative Officer who shall be trained or experienced in municipal government and be subject to the immediate supervision of the Mayor; he shall coordinate under the supervision of the Mayor the activities of all administrative divisions, serve as special liaison between the Mayor and all divisions, departments, boards and commissions, and perform such administrative and executive duties as may from time to time be assigned to him by the Mayor, and he may be dismissed by the Mayor, without the approval of the Council. The Chief Administrative Officer likewise may be removed from office for cause as now provided by law. His salary shall be set by the Council upon the recommendation of an amount by the Mayor.

The salaries of all directors shall be set in the annual budget by the Council in the following minimum amounts:

Director of Fire and Police	\$16,000.00
Director of Public Works	\$16,000.00
Director of Public Service	\$16,000.00
Director of Finance & Institutions.....	\$16,000.00
Director of Administration & Welfare	\$16,000.00

And said salaries shall be payable semi-monthly; provided further that the Council may from time to time increase or decrease such salaries but such change shall not take effect during the fiscal year covered by the budget in which said change was made, and may not be decreased below the amounts above stated.

In the event of the death, retirement or recall, or for other reasons causing a vacancy in the office of Mayor, the said directors' terms shall be concurrent with the appointing Mayor's tenure. That is, in the event a Mayor dies or is recalled, or for other reasons vacates the office of Mayor, then and in that event the said directors shall serve at the will and pleasure of the newly elected Mayor for a period not to exceed ninety (90) calendar days.

Section 9. Nominating Petition to be Accompanied by Cash Deposit.

BE IT FURTHER ORDAINED, that each nominating petition for an elective office shall be accompanied by a deposit to be made and refunded in the same manner as hereinabove prescribed for Councilmen.

Section 10. Tax Assessor.

BE IT FURTHER ORDAINED, that a Tax Assessor for the City of Memphis shall be appointed pursuant to present authority upon nomination by the Mayor and with the approval of a majority of the Council, for a period of one (1) year, and shall continue in office until his successor is either appointed or elected and qualified. The said Tax Assessor may be removed from office only as now provided by the Law of the State of Tennessee in connection with public offices.

Section 11. Boards and Commissions.

BE IT FURTHER ORDAINED, that the Mayor shall appoint the members of all boards and commissions, said appointments to be made with the approval of a majority of the Council; the removal of all members of boards and commissions shall be effected in the same manner and subject to the same procedures provided for directors. Members of Boards and Commissions shall continue in office until their successors have been appointed and approved.

The members of the present Board of Commissioners, including the Mayor who is likewise a Commissioner, shall continue in office until the expiration of their present terms, December 31, 1967.

Section 12. Budgets.

BE IT FURTHER ORDAINED, that the operations and capital fund budgets of the City, together with all budgets required to be submitted as now provided by law, shall be prepared and submitted by the Mayor with the assistance of the Directors, and presented to the Council, which shall approve or amend any and all of said budgets prior to the adoption of a tax rate as now provided, and said budgets as approved or as amended shall be the duly established budgets.

The Comptroller shall under no circumstances make disbursements not specifically provided for in any of the aforesaid budgets as finally approved by the Council.

Section 13. Municipal Bonds.

BE IT FURTHER ORDAINED, that nothing contained herein shall change or modify the procedures now established by State Law in connection with the sale of municipal bonds; provided, however, that the Council shall be and it is hereby designated as the “governing body” within the meaning of pertinent Sections of the Tennessee Code and the authority provided for therein shall be exercised by the Council.

Section 14. Contractual Powers.

BE IT FURTHER ORDAINED, that the power to contract (other than by franchise agreements) shall remain with the Mayor; however, all contracts requiring disbursements of funds shall be limited in an amount not in excess of that provided in the appropriate budget, either operations or capital fund. In the event an expenditure of extraordinary nature and not provided for shall appear to be reasonable and in the public interest, a request may be submitted by the Mayor and thereafter approved or rejected by the Council.

Section 15. Franchise Rights.

BE IT FURTHER ORDAINED, that the authority to grant franchise rights under established procedures as now provided by the Charter of the City of Memphis, including the right to open and close streets, shall vest in the Council.

Section 16. Officers’ Oaths and Bonds.

BE IT FURTHER ORDAINED, that oaths of office and bonds of all officers shall be as now provided by law.

Section 17. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 18. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section, or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts as held to be invalid, if any.

Section 19.

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption thereof.

Section 20.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of the holding of the first general state election, and request that this entire proposed amendment to the Home Rule Charter of the City of Memphis, Tennessee, be placed on the ballot to be used in said first State general election after receipt thereof.

FOR (YES) _____
AGAINST (NO) _____

Section 21.

BE IT FURTHER ORDAINED, that the Mayor and Board of Commissioners be authorized to appropriate and expend out of the general revenues of the City of Memphis, Tennessee, a sum sufficient to pay for the pro-rata cost of this special City election.

Section 22.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, Tennessee, the result of said election, who shall see that said resolutions are made a part of the minutes of the Board of Commissioners.

Section 23.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its approval by a majority vote of the people as provided by law, the public welfare requiring it.

WILLIAM B. INGRAM, JR., Mayor.

Attest:

C.W. CRUTCHFIELD, Comptroller.

Ordinance No. 1865

[Date of Municipal Elections (§ 6.1)]

Adopted by City Commission..... September 6, 1966
Referendum Election.....November 3, 1966
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO CHANGE THE DATE OF MUNICIPAL ELECTIONS.

WHEREAS, on August 4, 1966, the Charter of the City of Memphis was amended by favorable vote of the people in a referendum held pursuant to the provisions of Article 11, Section 9, so as to establish run-off elections for all elective offices provided for in said City Charter, and

WHEREAS, said amendment provides for a period of four weeks between the regular elections and said run-off elections, should such elections be necessary, and

WHEREAS, the present provision of the City Charter pertaining to the date of municipal elections calls for said elections to be held on the first Thursday after the first Tuesday in November, and

WHEREAS, it is deemed to be in the best interests of the citizens of the City of Memphis that the run-off elections, which will take place as presently provided by law during the first week in December, be held at an earlier date, thus necessitating the advancement of the regular election.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, that the following proposal shall be submitted to the qualified voters of the City of Memphis at the next general state elections:

Shall the present Charter of the City of Memphis be amended so as to change the date of municipal elections from the first Thursday following the first Tuesday in November, as presently provided, to the first Thursday following the first Tuesday in October, beginning in October, 1967.

For (yes)____
Against (no) ____

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee, shall certify the adoption of this ordinance to the Shelby County Election Commission in charge of holding the first general state election and request that it be placed on the ballot.

BE IT FURTHER ORDAINED, that this ordinance take effect from and after its passage, the matter being one of urgency and necessity and the public welfare requiring it.

WILLIAM B. INGRAM, JR.,
Mayor.

Attest:
C.W. CRUTCHFIELD, Comptroller.

Ordinance No. 269

[Acquisition for Airport Purposes of Real Property Outside City Boundaries (§ 655)*]

***Editor’s note**—Ord. No. 269, approved at referendum election held Nov. 5, 1968, amended § 655 of the charter.

Adopted by City Commission..... September 3, 1968
Referendum Election.....November 5, 1968
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11, OF THE ACTS OF 1879 AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE THE CITY OF MEMPHIS OR OTHER GOVERNING AUTHORITIES TO ACQUIRE BY PURCHASE, CONDEMNATION OR LEASE FOR AIRPORT PURPOSES REAL PROPERTY SITUATED OUTSIDE THE BOUNDARIES OF SAID CITY WITHOUT LIMITATION AS TO ITS PROXIMITY TO BOUNDARIES OF THE AIRPORT.

PREAMBLE

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Charter of the State of Tennessee (Home Rule Amendment).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS That the present Charter of said City consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11 as amended, be and the same is hereby amended as follows:

Section 1.

By striking the words “within ten miles from the nearest boundary thereof to said airport” as they appear in Section 655 (same being Private Acts of 1929, Chapter 408, Section 1) of the present Charter of the City of Memphis and inserting in lieu thereof the words: “outside the boundaries of said city”.

Section 2. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 5th day of November, 1968:

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF CITY OF MEMPHIS
AUTHORIZING THE CITY OF MEMPHIS TO ACQUIRE BY PURCHASE, CONDEMNATION OR
LEASE FOR AIRPORT PURPOSES REAL PROPERTY SITUATED OUTSIDE THE BOUNDARIES OF
SAID CITY WITHOUT LIMITATION AS TO ITS PROXIMITY TO BOUNDARIES OF THE AIRPORT.

An ordinance of the City of Memphis adopted on the ____day of _____, 1968, providing for a referendum on a Home Rule Amendment to the Charter of said City so as to authorize the City of Memphis to acquire by purchase, condemnation or lease for Airport purposes real property situated outside its boundaries.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 1968, the public welfare requiring it.

DOWNING PRYOR,
Chairman of the Council.

Attest:

DAVID R. HOPPER, Comptroller.

Ordinance No. 271

[Disposition of Certain Abandoned, Etc. Property to Charitable or Other Worthy Organizations (§ 502.1*)]

***Editor's note**—The provision. of Ord. No. 271 have been codified as § 502.1 of the charter.

Adopted by City Commission..... September 3, 1968
Referendum Election.....November 5, 1968
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11, OF THE ACTS OF 1879 AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF

THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE THE DIRECTOR OF FIRE AND POLICE OF THE CITY OF MEMPHIS, IN HIS DISCRETION TO TURN OVER TO CHARITABLE OR OTHER WORTHY ORGANIZATIONS, CAUSES, PROJECTS OR PROGRAMS CERTAIN ABANDONED, STOLEN AND RECOVERED PROPERTY WITHOUT THE NECESSITY OF PUBLIC AUCTION OF SUCH PROPERTY AS PROVIDED BY ARTICLE 52 OF THE CHARTER OF THE CITY OF MEMPHIS.

PREAMBLE

WHEREAS, the Memphis Police Department has in its possession numerous items of unclaimed, abandoned, stolen and recovered property, including bicycles, food, clothing, household goods and similar articles, which are disposed of at public auction under provisions of Article 52 of the Charter of the City of Memphis; and

WHEREAS, said articles are often purchased at auction by the highest bidders at fractions of their actual value; and

WHEREAS, it appears in the best interest of the citizens of the City of Memphis that such property should, wherever possible and appropriate, be applied or contributed for use and benefit of underprivileged children and other worthy individuals, causes and programs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of said City consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

Section 1.

By adding after Article 52, Section 502 of the Charter of the City of Memphis the following: "The Director of Fire and Police of the City of Memphis shall have authority, in his discretion, to authorize and direct that abandoned, stolen and recovered bicycles, food, clothing, household goods and similar property, which shall remain unclaimed with the Memphis Police Department, as provided for in Section 495 of the Charter of the City of Memphis, be turned over to any charitable or other worthy organization, cause, project or program for use in activities of such organization, cause, project or program; said property may be so disposed of by order of the Director of Fire and Police without the necessity of holding public auction or otherwise complying with the provisions of Article 52, Code of the City of Memphis. Provided, however, when such property is so disposed of in the discretion of the Director of Fire and Police, he shall thereafter report to the Comptroller of the City of Memphis in writing the date of disposition and description of said property, and the identity of the organization, cause, project or program which received the property.

Section 2. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 5th day of November, 1968:

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AUTHORIZING THE DIRECTOR OF FIRE AND POLICE OF THE CITY OF MEMPHIS, IN HIS DISCRETION, TO TURN OVER TO CHARITABLE OR OTHER WORTHY ORGANIZATIONS, CAUSES, PROJECTS OR PROGRAMS, CERTAIN ABANDONED, STOLEN AND RECOVERED PROPERTY, WITHOUT THE NECESSITY OF PUBLIC AUCTION OR OTHER PROCEDURE REQUIRED BY ARTICLE 52, CHARTER OF THE CITY OF MEMPHIS.

An Ordinance of the City of Memphis adopted on the _____ day of _____, 1968, providing for a referendum on a Home Rule Amendment to the Charter of said City, so as to permit the Director of Fire and Police of said City to dispose of unclaimed, abandoned, stolen and recovered property to charitable and other worthy organizations, causes, projects or programs without necessity of public auction or other procedure required by Article 52, Charter of the City of Memphis.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective Date.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 1968, the public welfare requiring it.

DOWNING PRYOR,
Chairman of the Council.

Attest:

DAVID R. HOPPER, Comptroller.

Ordinance No. 272

[Board of Review for Control of the Dissemination of Obscene Material to Juveniles (§ 438.21)*]

***Editors note**—Ord. No. 272 has been codified as § 438.21 of the Charter.

Adopted by City Commission..... September 3, 1968
Referendum Election.....November 5, 1968
Certified by Election Commission

AN ORDINANCE TO PROPOSE AN AMENDMENT TO HOME RULE CHARTER OF THE CITY OF MEMPHIS PURSUANT TO SECTION 9, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF TENNESSEE AS AMENDED TO AUTHORIZE THE ESTABLISHMENT BY ORDINANCE OF A BOARD OF REVIEW FOR THE CONTROL OF THE DISSEMINATION OF OBSCENE MATERIAL TO JUVENILES, TO PRESCRIBE THE DUTIES, QUALIFICATIONS, TERMS OF OFFICE, NUMBER AND COMPENSATION OF THE MEMBERS OF SAID BOARD AND TO GRANT ALL NECESSARY POWERS TO SAID BOARD, INCLUDING THE POWER TO SUE, TO PREVENT THE DISSEMINATION OF OBSCENE MATERIAL TO JUVENILES AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, TENNESSEE AT THE FIRST GENERAL ELECTION TO BE HELD NOVEMBER 5, 1963.

Section I.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that pursuant to Section 9 of Article XI of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, Tennessee, to its qualified voters at the first general state election which shall be held in the City of Memphis, Tennessee, on November 5, 1968 and which shall be held at least sixty (60) days after such publication:

“Shall the Home Rule Charter of the City of Memphis, Tennessee be amended to authorize the establishment by ordinance of a Board of Review for the control of the dissemination of obscene material to juveniles, to prescribe the duties, qualifications, terms of office, number and compensation of the members of said Board and to grant all necessary powers to said Board, including the powers to sue and to prevent the dissemination of obscene material to juveniles?”

Section II.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall be published immediately after the adoption thereof.

Section III.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 5, 1968, and request that this proposed amendment to the Home Rule Charter of the City of Memphis, Tennessee be placed on the ballot to be used in said first general state election to be held on November 5, 1958.

Section IV.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, Tennessee the result of said election who shall see that said Resolutions are made a part of the minutes of the Council of the City of Memphis.

Section V.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor, in writing by the Comptroller, and become effective as otherwise provided by law.

DOWNING PRYOR,
Chairman of the Council.

Attest:

DAVID R. HOPPER, Comptroller.

Ordinance No. 662

[Election of Temporary Councilmen From Newly Annexed Territory]

Adopted By City Commission April 28, 1970
Referendum Election..... August 6, 1970
Certified By Election Commission

AN ORDINANCE TO PROPOSE AN AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF MEMPHIS PURSUANT TO SECTION 9, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF TENNESSEE AS AMENDED TO AUTHORIZE THE ELECTION OF A TEMPORARY CITY COUNCILMAN FROM NEWLY ANNEXED TERRITORY OR TERRITORIES UNDER CERTAIN CONDITIONS; TO DEFINE

THE QUALIFICATIONS FOR SAID TEMPORARY CITY COUNCILMAN; TO PROVIDE THE TIME AND CONDITIONS FOR HOLDING SAID ELECTION; TO PROVIDE THE TIME WHEN THE DULY ELECTED PERSON SHALL BECOME A TEMPORARY CITY COUNCILMAN; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL ELECTION TO BE HELD AUGUST 6, 1970.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that pursuant to Section 9, Article XI, of the Constitution of the State of Tennessee as amended, the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first General State election, which shall be held in the City of Memphis, Tennessee on August 6, 1970 and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee be amended by adding to Section 2 of the Home Rule Amendment, being Ordinance 1852 as adopted at an election held on November 8, 1966 the following amendment:

Whenever the Council of the City of Memphis finds that territory or territories have been annexed to the City more than one year prior to the next regular city election and that the total number of registered voters in said annexed territory or territories exceeds the total number of registered voters in the council district with the smallest number of registered voters, then and only in that event the registered voters in the newly annexed territory or territories shall elect a person to become a temporary City Councilman from said territory or territories until the installation of the next duly elected thirteen member City Council with the rights and compensation as members of the City Council. The qualifications for such candidates for such temporary Council seat shall be the same as those for regular council seats from Council districts except that the candidates for temporary Councilman shall have resided during the five years next preceding his or her election in said territory or territories recently annexed. The first election for said temporary Council seat shall be at the next general election after the ratification of the Charter amendment and thereafter at the next general election after the Council finds that an annexation calling for the election of a temporary Councilman has occurred.

In the event it is necessary to have a run-off as provided in the Amendment to the Home Rule Charter of the City of Memphis, Tennessee, being Ordinance 1794, as adopted at an election held November 5, 1968*, the provisions of said amendment to the Charter shall be applicable.

The person finally elected shall become a temporary City Councilman immediately after the final results of said election shall have been certified by the Shelby County Election Commission to the Comptroller of the City of Memphis and said results have been made a part of the minutes of the Council of the City of Memphis.

Editor's note—Ord. No. 1794 indicates that the election was held in Nov., 1966.

IF IN FAVOR OF	<u>VOTE</u>
THE AMENDMENT	(YES)
IF OPPOSED TO	<u>VOTE</u>
AMENDMENT	(NO)

Section 2.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS That this ordinance shall be published immediately after the adoption thereof.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee shall certify the adoption of the ordinance to the Shelby County Election Commission in charge of holding the first General State election on August 6, 1970 and request that the proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot to be used in the first General State election to be held on August 6, 1970.

Section 4.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify to the Comptroller of the City of Memphis, Tennessee the results of said election who shall see that said resolutions are made a part of the minutes of the Council of the City of Memphis.

Section 5.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

MRS. WELLS AWSUMB,
Chairman of Council.

Attest:

DAVID R. HOPPER,
City Comptroller.

Ordinance No. 732

[Section 222 Amended to Increase Limit on Certain Purchases]

Adopted by City Commission..... June 16, 1970
Referendum Election..... November 3, 1970
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO AUTHORIZE THE CITY COUNCIL TO ENACT AN ORDINANCE TO AMEND CITY CHARTER SECTION 222 TO INCREASE LIMIT ON PURCHASES OF SUPPLIES, MATERIALS, EQUIPMENT OR OTHER PERSONAL PROPERTY OR PERSONAL SERVICES OR LABOR, UP FROM \$150.00 TO \$500.00, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, TENNESSEE, AT THE FIRST GENERAL ELECTION TO BE HELD NOVEMBER 3, 1970.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that pursuant to Section 9, of Article 11 of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, Tennessee, to its qualified voters at the first General State election which shall be held in the City of Memphis, Tennessee, on November 3, 1970, and which shall be held at least sixty (60) days after such publication:

QUESTION:

“Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended so as to authorize the Council by ordinance to amend Charter Section 222 to increase the limit on purchases of supplies, materials, equipment or

other personal property or personal services or labor, from \$150.00 to \$500.00, before requiring bids from competitive concerns, prior to making said purchases from the lowest and best bidder therefor.

IF IN FAVOR OF THE	VOTE
AMENDMENT	(YES)
IF OPPOSED TO	VOTE
AMENDMENT	(NO)

Section 2.

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption thereof.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, Tennessee, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first General State election on November 3, 1970, and request that this proposed amendment to the Home Rule Charter of the City of Memphis, Tennessee, be placed on the ballot to be used in said first General State election to be held on November 3, 1970.

Section 4.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, Tennessee, the result of said election who shall see that said resolutions are made a part of the minutes of the Council of the City of Memphis.

Section 5.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect and all laws in conflict therewith are hereby repealed.

Section 6.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

MRS. WELLS AWSUMB,
Chairman of Council.

Attest:

DAVID R. HOPPER,
City Comptroller.

Ordinance No. 764

[Imposition, by Ordinance, of Penalties Not Exceeding \$200.00 for Violation of City Ordinances (Art. 40)*]

***Charter reference**—Power to impose fines for violations, § 355.

Adopted by City Commission.....August 11, 1970
Referendum Election.....November 3, 1970
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER, CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO PROVISIONS OF ARTICLE 11, SECTION 9, OF THE

CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE THE COUNCIL OF THE CITY OF MEMPHIS TO IMPOSE, BY ORDINANCE, PENALTIES IN AMOUNTS NOT EXCEEDING \$200.00 FOR THE VIOLATION OF ANY ORDINANCE OF THE CITY; FOR ENFORCEMENT THEREOF, AND FOR CONFINEMENT FOR NONPAYMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

Section 1.

By adding a new section to Article 40, Ordinances Generally, of the Charter, City of Memphis, as follows:

“The Council of the City of Memphis shall have the power, by ordinance, to impose penalties not exceeding \$200.00 for the violation of any ordinance of the city; and provide for the enforcement, recovery and appropriation of the same and further provide for terms of confinement for failure to pay such penalties.”

Section 2. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be, and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby directed, to cause this proposal (ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed, to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 3rd day of November, 1970.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AUTHORIZING THE COUNCIL OF THE CITY OF MEMPHIS TO IMPOSE BY ORDINANCE PENALTIES NOT EXCEEDING \$200.00 FOR VIOLATION OF ANY ORDINANCE OF THE CITY; FOR ENFORCEMENT THEREOF, AND CONFINEMENT FOR NONPAYMENT OF SUCH PENALTIES.

An ordinance of the City of Memphis adopted on the 11th day of August, 1970, providing for a referendum on a Home Rule Amendment to the Charter of said city so as to permit the Council of said city to impose, by ordinance, penalties not exceeding \$200.00 for violation of any ordinances of said city; providing for the enforcement, recovery and appropriation of the same, and further providing for terms of confinement for failure to pay such penalties.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 3rd day of November, 1970, the public welfare requiring it.

MRS. WELLS AWSUMB,
Chairman of Council.

Attest:

DAVID R. HOPPER,
City Comptroller.

Ordinance No. 770

[Amendments to Article 35, City Court]

Adopted by City Commission.....August 25, 1970
Referendum Election.....November 3, 1970
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER, CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO ESTABLISH POSITION OF ADMINISTRATIVE JUDGE, CITY COURTS, AND TO SET FORTH DUTIES OF SUCH OFFICIAL, AND TO PROVIDE FOR APPOINTMENT OF CITY COURT CLERK AND DEPUTY CLERKS BY THE CITY JUDGES, WITH PROVISIONS FOR SALARIES OF SAID JUDGES AND CLERKS; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL ELECTION TO BE HELD NOVEMBER 3, 1970.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

Section 1.

By adding to Article 35, City Court, new sections as follows:

“Sec. 253.4. Administrative Judge. There shall be an Administrative Judge of the City Court, who shall, upon the City Judges’ taking office, be appointed by the Mayor with the approval of the City Council. During the interim prior to the next general election, the Mayor shall appoint, with approval of the City Council, an Administrative Judge. In the event the Administrative Judge is incapacitated, the Mayor shall appoint, with approval of the City Council, an interim Administrative Judge.

“Sec. 253.5. Duties of administrative judge. The duties of said administrative judge shall be as follows: (1) Preside at en banc sessions of the Court; (2) Appoint special judges; (3) Promulgate and publish rules of the Court; (4) Assign cases to the divisions; (5) Have direct supervision and control over the Clerk and the Clerk’s office, including supervision of the preparation and filing of judicial statistics required by law or court rule; (6) Prepare with the advice of the other judges a budget for the City Courts to be submitted to the Mayor whose duty it shall be to add the budget as submitted by the judges to the operating budget of the City of Memphis and submit same to the Council for approval or amendment as now provided by law for the operating budget of the City of Memphis; (7) Request or convene conferences of judges, prosecutors and clerks to consider the status of judicial business and to

expedite and improve procedures in the administration of justice; (8) In all administrative matters carry out the directives of a majority of the City Court Judges; (9) Such other duties as the Council may by ordinance prescribe.”

Section 2.

BE IT FURTHER ORDAINED, that Article 35 of said Charter be further amended by deleting Section 254, salary of judges, as it presently appears, and substituting in lieu thereof the following:

“**Sec. 254. Salaries of Judges.** The salaries of the City Court Judges shall be a minimum of \$16,000.00 per annum; provided, however, that the administrative judge shall receive a minimum of \$600.00 per annum in addition. The salaries shall become effective on the approval of this provision and may not be diminished during the term of office of said City Court Judges; provided, however that the salaries as provided for in the budget of the City Court may be increased effective the beginning of the fiscal year covered by that budget.”

Section 3.

BE IT FURTHER ORDAINED, that Section 258 of Article 35 of said Charter be amended by striking the word “Mayor” in the first sentence and substituting in lieu thereof the words “administrative judge.”

Section 4.

BE IT FURTHER ORDAINED, that Article 35 of said Charter be further amended by deleting Section 260, as it presently appears, and substituting in lieu thereof the following:

“**Sec. 260. City Court Clerk.** After the next City election, the City Court Clerk shall be appointed by a majority vote of the City Court Judges and may be removed for cause. The Clerk may within ten (10) days appeal his dismissal for cause to the Council for final decision. The number of Deputy Clerks shall be determined by a majority vote of the City Court Judges. The Deputy Court Clerks and all other employees of the City Court Clerk’s office shall remain in Civil Service status and be certified to the Judges for appointment pursuant to Civil Service rules and regulations. The salaries of the City Court Clerk and all employees of the City Court Clerk’s office shall be fixed by the Council. The City Court Clerk, the Deputy City Court Clerks and the City Court Clerk’s office are to be under the immediate supervision of the administrative judge, who shall determine their duties.”

Section 5.

BE IT FURTHER ORDAINED, that Article 35 of said Charter be amended by deleting Sections 253.3, 263 and 263.1.

Section 6. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be, and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 7. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 8. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby directed, to cause this proposal (ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 9. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby directed, to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 3rd day of November, 1970.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AMENDING ARTICLE 35 OF THE SAID CHARTER SO AS TO ESTABLISH OFFICE AND DEFINE DUTIES OF AN ADMINISTRATIVE JUDGE OF CITY COURT, AND PROVIDING FOR APPOINTMENT AND SUPERVISION OF CITY COURT CLERK AND DEPUTIES BY THE CITY COURT JUDGES WITH PROVISIONS FOR SALARIES OF SUCH JUDGES, CLERK AND DEPUTIES.

An ordinance of the City of Memphis adopted on the 25th day of August, 1970, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to establish office and define duties of an administrative judge of City Court, and providing for appointment and supervision of City Court Clerk and deputies by the City Court Judges with provisions for salaries of such judges, clerk and deputies.

FOR (YES) _____
AGAINST (NO) _____

Section 10. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

MRS. WELLS AWSUMB,
Chairman of Council.

Attest:

DAVID R. HOPPER, Comptroller.

Ordinance No. 784

[Purchase of Capital Equipment and Real Estate on Deferred Payments]

Adopted by City Commission.....August 25, 1970
Referendum Election.....November 3, 1970
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROVIDE FOR THE PURCHASE ON DEFERRED PAYMENTS WITH SECURITY INTEREST GIVEN, LEASE OR LEASE PURCHASE OF CAPITAL EQUIPMENT FOR A PERIOD NOT IN EXCESS OF FIVE (5) YEARS AND TO PURCHASE REAL ESTATE ON DEFERRED PAYMENTS NOT EXCEEDING TEN (10) YEARS; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL ELECTION TO BE HELD NOVEMBER 3, 1970.

WHEREAS, the City of Memphis has authority under various Charter provisions which has been construed to authorize the deferred purchase and leasing of certain equipment; and

WHEREAS, the Council of the City of Memphis desires that a specific Charter provision be authorized for the deferred purchase of equipment or the lease purchase or leasing of certain equipment for a period not exceeding five (5) years, and, also, to purchase real estate on deferred payments not exceeding ten (10) years, be authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of the City consisting of the provisions of Chapter 11 of the Acts of 1879, as amended, be and the same is further amended to add the following sections:

Section 1.

The City of Memphis is authorized to purchase upon deferred payments, including the giving of a security interest, to lease and to enter into lease purchase agreements for capital equipment for periods not in excess of five (5) years and to purchase real estate not to exceed ten (10) years. The Council of the City of Memphis in adopting its budget ordinance or upon proper amendment thereof shall provide for payment of current obligations on such deferred payment plan or lease or lease purchase and the resolution to be adopted authorizing entrance into such contract or lease shall bind itself to provide for the future payments thereon not to exceed the period of five (5) years. Such capital equipment which may be purchased upon deferred payment with security interest given or leased or lease purchase shall mean what is commonly considered as capital equipment and includes but is not limited to automobiles, fire and police equipment, sanitation vehicles and equipment used for sewers and drains, street maintenance and sanitation, hospital and medical equipment, computers and other machinery.

The City Council shall likewise have authority to purchase real estate and provide for future payments thereon not to exceed a period of ten (10) years.

Section 2.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance be, and the same are continued in full force and effect and all laws in conflict therewith are hereby repealed.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 4.

BE IT FURTHER ORDAINED, that the Comptroller be, and is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 3rd day of November, 1970.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS SO AS TO PROVIDE FOR THE DEFERRED PAYMENT WITH SECURITY INTEREST GIVEN, LEASE OR LEASE PURCHASE OF CAPITAL EQUIPMENT FOR A PERIOD NOT IN EXCESS OF FIVE (5) YEARS AND TO PURCHASE REAL ESTATE ON DEFERRED PAYMENTS NOT EXCEEDING TEN (10) YEARS:

An Ordinance of the City of Memphis adopted on the 25th day of August, 1970, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to provide for the deferred payment with security interest given, lease or lease purchase of capital equipment for a period not in excess of five (5) years and to purchase real estate on deferred payments not exceeding ten (10) years.

FOR	(YES) _____
AGAINST	(NO) _____

Section 5.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption thereof.

Section 6.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify to the Comptroller of the City of Memphis, Tennessee, the results of said election who shall see that said resolutions are made a part of the minutes of the Council of the City of Memphis.

Section 7.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 3rd day of November, 1970, the public welfare requiring it.

Section 8.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

MRS. WELLS AWSUMB,
Chairman of Council.

Attest:

DAVID R. HOPPER, Comptroller.

Ordinance No. 1276

[Use of Funds for Purpose of Busing School Children to Achieve Racial Balance Prohibited]

Adopted by City Commission..... May 9, 1972
Referendum Election..... August 3, 1972
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROHIBIT USE OF FUNDS ALLOCATED TO THE BOARD OF EDUCATION FOR THE PURPOSE OF BUSING SCHOOL CHILDREN TO ACHIEVE RACIAL BALANCE, AND PROHIBITING SPENDING OF SCHOOL MONEY IN VIOLATION OF FEDERAL PROVISIONS.

WHEREAS, the Charter of the City of Memphis provides that the proceeds in tax levies shall be used by the Board of Education of the Memphis City Schools for the purposes provided now by law; and

WHEREAS, Public Law 92-48, being Office of Education and Related Agencies Appropriation Act, 1972, prohibits the use of Federal funds for the busing of students to achieve racial balance; and

WHEREAS, no funds appropriated by the City of Memphis should go for a purpose prohibited by Federal law.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11 as amended, be and the same is hereby amended by adding to the present Charter of the City the following language:

It shall be unlawful for the Council of the City of Memphis to levy any ad valorem tax upon property within the City of Memphis, or to levy any other privilege, license, or property tax or any fee of any character for the purpose of providing funds for the purchase or operation of buses, or for any other transportation mode, the use of which is for the busing of students to achieve racial balance in the schools operated by the Board of Education of the Memphis City Schools.

Section 2. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 3rd day of August, 1972.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS
PROHIBITING BUSING FOR THE PURPOSE OF ACHIEVING RACIAL BALANCE.

An Ordinance of the City of Memphis adopted on the 9th day of May, 1972 providing for a referendum on Home Rule Amendment to the Charter of the City of Memphis so as to prohibit busing of school children for the purpose of achieving racial balance.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective date.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 3rd day of August, 1972, the public welfare requiring it.

FRED L. DAVIS,
Chairman of Council

Attest:

DAVID R. HOPPER,
City Comptroller.

Ordinance No. 1300

[Authority of Council to Divide Administrative Divisions, Etc.]

Adopted by City Commission..... May 30, 1972
Referendum Election..... August 3, 1972
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER, CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE SEPARATE DIVISIONS OF FIRE AND POLICE AND TO AUTHORIZE FUTURE SEPARATION OF DIVISIONS AS REQUIRED.

WHEREAS, the Charter of the City of Memphis now provides for a Division of Fire and Police as well as a Division of Public Works, Public Service, Finances and Institutions, and Administration and Welfare; and

WHEREAS, the Charter provides for the transfer of departments and agencies of one division to another and the adding of divisions; and

WHEREAS, to exclude any doubt of the power to separate the Division of Fire and Police and to separate other divisions in the future, it is the desire of the Council to authorize a referendum on the separation of administrative divisions.

Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of the City, consisting of the provisions of Chapter 11 of the Acts of 1879, as amended, be and the same is further amended to add the following sections:

Section 1. The Council upon approval by the Mayor, notwithstanding any other Charter provisions made by ordinance may reorganize the principal administrative divisions, and shall have the power to divide the Division of Fire and Police into a separate Division of Fire and a Division of Police, as well as to divide other named principal administrative divisions, and as now authorized by the Charter, to transfer departments and agencies from one division to another, and to add or abolish departments and agencies within divisions, and further shall have the authority to abolish divisions and transfer departments and agencies to existing or new divisions.

Section 2. The salaries of directors of new divisions or of separated divisions shall be set by the Council but shall be no less than the minimum amounts as set forth for other directors in the Charter.

Section 3. BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance be and the same are continued in full force and effect and all laws in conflict therewith are hereby repealed.

Section 4. BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 5. BE IT FURTHER ORDAINED, that the Comptroller be, and is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 3rd day of August, 1972.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS
AUTHORIZING THE COUNCIL OF THE CITY OF MEMPHIS TO AUTHORIZE SEPARATE DIVISIONS
OF FIRE AND POLICE AND TO AUTHORIZE FUTURE SEPARATION OF DIVISIONS AS REQUIRED.

An Ordinance of the City of Memphis adopted on the 30th day of May, 1972, providing for a referendum on a Home Rule Amendment to the Charter of said city so as to authorize the Council of the City of Memphis to authorize separate Divisions of Fire and Police and to authorize future separation of Divisions as required.

FOR (YES) _____
AGAINST (NO) _____

Section 2.

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption thereof.

Section 3.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify to the Comptroller of the City of Memphis, Tennessee, the results of said election who shall see that said resolutions are made a part of the minutes of the Council of the City of Memphis.

Section 4.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 3rd day of August, 1972, the public welfare requiring it.

Section 5.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

FRED L. DAVIS,
Chairman of Council.

Attest

DAVID R. HOPPER,
City Comptroller.

Ordinance No. 1435

[Compensation Defined for Purpose of Pensions and Retirement]

Adopted by City Commission..... September 5, 1972
Referendum Election.....November 7, 1972
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROVIDE FOR THE DEFINITION OF COMPENSATION FOR PENSION AND RETIREMENT BENEFITS.

WHEREAS, the City of Memphis in its pension system defines compensation; and

WHEREAS, it is necessary to clarify the definition for the purpose of pension benefits to the base salary of the employees.

NOW, THEREFORE,

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

By adding to Section 53 the following language:

A. As related to City Government employees:

“Compensation for the purpose of pensions and retirement benefits shall mean the base salary of the employee as set out in the line-item budget ordinance, including shift premium pay, hazardous premium pay, holiday pay, longevity pay, and incentive pay, and designated by the records of the personnel division, but shall not include overtime pay.”

B. As related to Memphis Light, Gas and Water Division, City of Memphis, employees:

“Compensation for the purpose of pensions and retirement benefits shall mean the base salary of the employee as set out in the pay grade schedules as now established or hereafter adjusted by the Memphis Light, Gas and Water Division but shall exclude overtime pay or any special bonuses such as, but not limited to, suggestion awards.”

Section 2. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 7th day of November, 1972.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AMENDING ARTICLE 7, SECTION 53 OF SAID CHARTER SO AS TO PROVIDE FOR THE DEFINITION OF COMPENSATION FOR PENSION AND RETIREMENT BENEFITS.

An Ordinance of the City of Memphis adopted on the 5th day of September, 1972, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to define compensation as base salary and eliminate overtime pay and special bonuses.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purpose set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 7th day of November, 1972, the public welfare requiring it.

FRED L. DAVIS,
Chairman of Council

Attest:

DAVID R. HOPPER,
City Comptroller.
Order No. _____

Ordinance No. 1436

[Auditorium and Market Commission]

Adopted by City Commission..... September 5, 1972
Referendum Election.....November 7, 1972
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE THE CITY OF MEMPHIS BY ORDINANCE TO COMBINE THE AUDITORIUM AND MARKET COMMISSION WITH ANY OTHER COMMISSION OR BOARD WITH AUTHORITY TO REGULATE THE OPERATION OF PUBLIC BUILDINGS, INCLUDING, BUT NOT LIMITED TO, THE COLISEUM AND MEMPHIS MEMORIAL STADIUM, TO INCREASE THE NUMBER OF MEMBERS OF THE COMMISSION AND TO PROVIDE FOR THEIR APPOINTMENT, QUALIFICATION, DUTIES, POWERS AND RESPONSIBILITIES, TO AUTHORIZE CHANGE OF NAME AND TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF REVENUE, INCLUDING THE CONTRACTING WITH THE COUNTY OF SHELBY.

PREAMBLE

WHEREAS, the City of Memphis under its Charter has an Auditorium and Market Commission; and

WHEREAS, by resolution there has been established a Coliseum Board in cooperation with the County of Shelby;
and

WHEREAS, the Memphis Memorial Stadium is operated by the Memphis Park Commission; and

WHEREAS, it is deemed in the best interest to expand the Auditorium and Market Commission, change its name, contract with the County of Shelby, and to consider the assignment of the Coliseum, the Stadium and other property under one board so as to promote conventions, athletic events and all other similar activities in a combined effort.

NOW, THEREFORE,

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

Charter Sections 494.1 through 494.6 shall be amended to include the following language:

“In addition to all the powers and authority heretofore given to the Auditorium and Market Commission, the City of Memphis by ordinance, is authorized to change the name of said Commission and to increase the members from five (5) to not more than nine (9), whose appointments, qualifications, duties, powers and responsibilities may be fixed by ordinance and under whose jurisdiction the City of Memphis may place the general charge, supervision, management and control not only of the present facilities assigned to the Auditorium and Market Commission but the Memphis Memorial Stadium, the Coliseum and such other property used for similar activities, owned by the City of Memphis or by the City of Memphis and County of Shelby jointly, or under contract that property owned by the County of Shelby. The assignment of such public property to be made by ordinance to said Commission being property either presently existing or hereinafter constructed as may from time to time be approved by the City Council upon request of the Mayor by ordinance and the Quarterly County Court by resolution. In the assignment of other public buildings to the Auditorium and Market Commission, the present distribution of receipts and expenditures between the governing bodies shall continue unless changed by the mutual agreement of the City of Memphis and the County of Shelby. The parties may hereinafter agree by joint ordinance and resolution on the distribution of all expenditures and revenues between the parties.”

Section 2. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 7th day of November, 1972.

REFERENDUM OF HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AMENDING SAID CHARTER SO AS TO AUTHORIZE THE OPERATION OF THE COLISEUM, MEMPHIS MEMORIAL STADIUM AND OTHER STRUCTURES OF SIMILAR NATURE UNDER THE CONTROL AND

REGULATION OF THE AUDITORIUM AND MARKET COMMISSION TO ALLOW FOR THE INCREASE OF MEMBERS OF SAID COMMISSION AND TO DEFINE THEIR TERMS, QUALIFICATIONS, DUTIES, AND RESPONSIBILITIES AND TO CHANGE THE NAME.

An Ordinance of the City of Memphis adopted on the 5th day of September, 1972, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to authorize the operation of the Coliseum, Memphis Memorial Stadium and other structures of similar nature under the control and regulation of the Auditorium and Market Commission to allow for the increase of members of said commission and to define their terms, qualifications, duties, and responsibilities and to change the name.

FOR (YES)____
AGAINST (NO)_____

Section 6. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 7th day of November, 1972, the public welfare requiring it.

FRED L. DAVIS,
Chairman of Council

Attest:

DAVID R. HOPPER,
City Comptroller.
Order No. _____

Ordinance No. 1437

[River Front Harbor Commission and County Port Commission]

Adopted by City Commission..... September 5, 1972
Referendum Election.....November 7, 1972
Certified by Election Commission

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE THE CITY OF MEMPHIS TO COMBINE THE MEMPHIS RIVER FRONT HARBOR COMMISSION WITH THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION, TO PROVIDE FOR INCREASE IN THE MEMBERSHIP OF THE PORT COMMISSION AND TO PROVIDE FOR THEIR APPOINTMENT, TERMS AND DUTIES.

PREAMBLE

WHEREAS, there exists two organizations for the control of property on the river front; and

WHEREAS, it is deemed in the best interest of the City of Memphis that the duties of said boards be combined.

NOW, THEREFORE,

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

Charter Section 627 through 654 shall be amended to include the following language:

“The City of Memphis by ordinance is authorized to provide for the combining of the Memphis River Front Harbor Commission with the Memphis and Shelby County Port Commission and to increase the membership of the Port Commission from five (5) to no more than nine (9) members. The appointment, qualifications, duties, powers and responsibilities of the new board shall be fixed by ordinance and all powers of the Memphis River Front Harbor Commission shall be transferred by said ordinance to the Memphis and Shelby County Port Commission, who shall have general charge, supervision, management and control over the property under the jurisdiction of the Memphis River Front Harbor Commission and shall have all the powers now granted to the Memphis River Front Harbor Commission as well as the powers of the present Port Commission. Title to all parcels of property, lands or real estate in the name of the City of Memphis shall be continued in said body, unless transferred by contract mutually agreed upon by the City of Memphis and the County of Shelby, to the County or to a joint ownership, and expenditures and revenues of the Memphis River Front Harbor Commission shall continue as presently provided unless changed by mutual agreement between the City of Memphis and The County of Shelby.

Nothing in this provision shall impair any obligations heretofore entered into by the Memphis River Front Harbor Commission or its predecessors to any persons but all contracts outstanding heretofore made under the existing law shall be binding upon the Memphis and Shelby County Port Commission upon the transfer.

Nothing in this amendment shall be construed to amend the present Charter powers of the Port Commission as set forth in Section 634 through Section 654.”

Section 2. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 7th day of November, 1972.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AMENDING ARTICLE 61 OF SAID CHARTER SO AS TO AUTHORIZE THE CITY OF MEMPHIS TO COMBINE THE MEMPHIS RIVER FRONT HARBOR COMMISSION WITH THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION, TO PROVIDE FOR INCREASE IN THE MEMBERSHIP, AND TO PROVIDE FOR APPOINTMENT, TERMS AND DUTIES.

An Ordinance of the City of Memphis adopted on the 5th day of September, 1972, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to authorize the City of Memphis to combine the

Memphis River Front Harbor Commission with the Memphis and Shelby County Port Commission, to provide for increase in the membership, and to provide for their appointment, terms and duties.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 7th day of November, 1972, the public welfare requiring it.

FRED L. DAVIS,
Chairman of Council

Attest:

DAVID R. HOPPER,
City Comptroller.
Order No. _____

Ordinance No. 2034

[AMENDMENT OF BOUNDARIES OR REGULATIONS (§ 142)]

Adopted.....April 30, 1974
Referendum Election.....August 1, 1974

AN ORDINANCE TO AMEND THE CHARTER, CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO THAT UPON ANY PROTEST IN WRITING TO THE COMPTROLLER BY OWNERS OF 20% OF REQUIRED FRONTAGE TO A PROPOSED ZONING CHANGE SHALL NOT BE PASSED EXCEPT BY A 2/3's VOTE OF THE LEGISLATIVE BODY.

WHEREAS, existing Charter provisions together with Joint City-County Ordinance and Resolution No. 1370 adopted November 3, 1964, provides for rules and regulations of Memphis and Shelby County Planning Commission; and

WHEREAS, Section 142 of the City Charter and Section 28-111 of the Code of Ordinances, City of Memphis, set out the percentage of adjacent owners of property required for protest of any amendment, supplement or change in zoning; and provision that no amendment, supplement or change shall be passed except by a 4/5's vote of the legislative body; and

WHEREAS, it appears to the best interest of all citizens that such provisions should be altered to read 2/3's vote of the legislative body.

NOW, THEREFORE,

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That pursuant to Section 9, Article XI of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the

City of Memphis to the qualified voters of the first General State election, which shall be held in the City of Memphis, Tennessee, on August 1, 1974, and which shall be held at least sixty (60) days after such publication:

Question: Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by substituting in Section 142 and also in Code of Ordinances, Section 28-111, for the words “four-fifths” wherever same appears, the following new words: “two-thirds”.

Section 2. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 1st day of August, 1974:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS SO AS TO AUTHORIZE THE CITY COUNCIL TO ENACT AN ORDINANCE TO AMEND CITY CHARTER SECTION 142 AND CITY CODE SECTION 28-111 TO REFLECT CHANGE IN THE REQUIRED VOTE OF THE LEGISLATIVE BODY FROM FOUR-FIFTHS, TO “TWO-THIRDS” CONCERNING MATTERS OF ZONING PROTESTS ENTERED BY OWNERS OF ADJACENT PROPERTIES.

An ordinance of the City of Memphis adopted on the ____ day of _____, 1974, providing for a referendum on a Home Rule Amendment to the Charter of said City so as to change required vote of the legislative body from “four-fifths” to “two-thirds” in matters of zoning protests entered by owners of adjacent properties.

FOR (YES) ____
AGAINST (NO) ____

Section 6. Enactment and Effective Date.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

ED McBRAYER
Chairman of Council

Attest:

GEORGE SUPENSKY,

City Comptroller.

Ordinance No. 2061

[PLANNED UNIT DEVELOPMENTS (§ 157)]

Adopted..... May 28, 1974
Referendum Election..... August 1, 1974

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO AUTHORIZE PLANNED DEVELOPMENTS WHICH, WHEN APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS, MAY VARY FROM THE ZONING DISTRICT REGULATIONS IN WHICH LOCATED AND TO AUTHORIZE ISSUANCE OF INDIVIDUAL BUILDING PERMITS ON STRUCTURES SHOWN ON APPROVED PLATS; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL ELECTION TO BE HELD AUGUST 1, 1974.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of the City consisting of the provisions of Chapter 11 of the Acts of 1879, as amended, be and the same is further amended as follows:

Section 1.

By adding to Article 21. General Zoning Regulations, a new section, as follows:

“Section 157. Planned Unit Developments. The Council may by Ordinance provide for approval of planned developments on parcels of land in which the heights, areas, densities, uses and such other items applicable and pertinent to said development, may be as set out on a recordable plat although they may not be uniform with those in the district in which located. Such a plan shall first be submitted to and a recommendation made by the Planning Commission. Such plats shall show the street and road patterns, dedications, if any, set backs, heights, density, uses, building separation, open areas, screenings, and such other items applicable and pertinent to said development, as proposed by the applicant and their conformity with standards set by the Planning Commission, as approved by the Council so as to carry out the intention of the zoning ordinance and preserve the character of the neighborhood. Upon approval and enactment by the Council, such conditions shall be binding upon the applicant/owner until relieved by amendment or repeal.

Building permits may be issued in accordance with the approved plan even though more than one structure is to be located thereon.”

Section 2.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance be, and the same are continued in full force and effect and all laws in conflict therewith are hereby repealed.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 4.

BE IT FURTHER ORDAINED, that the Comptroller be, and is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 1st day of August, 1974.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS SO AS TO AUTHORIZE PLANNED DEVELOPMENTS WHICH, WHEN APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS, MAY VARY FROM THE ZONING DISTRICT REGULATIONS IN WHICH LOCATED AND TO AUTHORIZE ISSUANCE OF INDIVIDUAL BUILDING PERMITS ON STRUCTURES SHOWN ON APPROVED PLATS:

An Ordinance of the City of Memphis adopted on the 28th day of May, 1974, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to authorize planned developments which, when approved by the Council of the City of Memphis, may vary from the zoning district regulations in which located and to authorize issuance of individual building permits on structures shown on approved plats.

FOR (YES) _____
AGAINST (NO) _____

Section 5.

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption thereof.

Section 6.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify, to the Comptroller of the City of Memphis, Tennessee, the results of said election who shall see that said resolutions are made a part of the minutes of the Council of the City of Memphis.

Section 7.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August, 1974, the public welfare requiring it.

Section 8.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

ED McBRAYER,
Chairman of Council

Attest:

GEORGE SUPENSKY,
City Comptroller.

Ordinance No. 2062

(MUNICIPAL RUN-OFF ELECTIONS)

Adopted..... May 28, 1974
Referendum Election..... August 1, 1974

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR RUN-OFF DATE IN SPECIAL ELECTIONS.

WHEREAS, the Charter of the City of Memphis presently provides for run-off elections following regularly scheduled municipal elections; and

WHEREAS, it is desired that run-off elections also be established following any special election held.

NOW, THEREFORE,

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of Chapter 11 of the Acts of 1879, as amended, be and the same is further amended so as to provide that in any special municipal election held as required by law at any regular August election in which no candidate receives a majority vote and requiring under the Charter of the City of Memphis a run-off election of the candidates receiving the two largest number of votes, said run-off election shall be held at any regularly scheduled November election occurring within one hundred (100) days thereafter and the winner of this run-off shall be elected. If a special municipal election becomes necessary in any year in which there is no general election, then the run-off election shall be held four (4) weeks thereafter as now required by law.

Section 2.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance be and the same are continued in full force and effect and all laws in conflict therewith are hereby repealed; it being the intent of this amendment to change only the date of run-off elections held following general elections held in the month of August, but no other procedure.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause the proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 4.

BE IT FURTHER ORDAINED, that the Comptroller be and is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the first day of August, 1974:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, SO AS TO PROVIDE RUN-OFF ELECTION DATES FOLLOWING ANY SPECIAL ELECTION HELD IN THE MONTH OF AUGUST.

An Ordinance of the City of Memphis was adopted on 28th day of May, 1974, to provide for a referendum on Home rule amendment as follows:

Question: Shall the present Charter of the City of Memphis be amended so as to provide that in any special municipal election held as required by law at the next regular August election in which no candidate received a majority vote and requiring under the Charter of the City of Memphis a run-off election of the candidates receiving the two largest number of votes, said run-off election shall be held at any regularly scheduled general election occurring within one hundred (100) days thereafter, and the winner of this run-off shall be elected. If a special

municipal election becomes necessary in any year in which there is no general election, then the run-off election shall be held four (4) weeks thereafter as now required by law.

FOR (YES) _____
AGAINST (NO) _____

Section 5.

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption thereof.

Section 6.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify to the Comptroller of the City of Memphis, Tennessee, the results of said election who shall see that said resolutions are made a part of the Minutes of the Council of the City of Memphis.

Section 7.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein thirty (30) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August, 1974, the public welfare requiring it.

Section 8.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed 'by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

ED McBRAYER,
Chairman of Council

Attest:

GEORGE SUPENSKY,
City Comptroller.

Ordinance No. 2246

[CITY COURT CLERK DIVISION]

Adopted.....April 29, 1975
Referendum Election.....October 9, 1975

AN ORDINANCE TO AMEND THE CHARTER, CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO ESTABLISH A NEW DIVISION OF CITY GOVERNMENT, THAT BEING THE OFFICE OF THE CITY COURT CLERK, AND TO SET FORTH THE DUTIES AND POWERS OF SUCH DIVISION AND ITS OFFICIALS, AND TO PROVIDE FOR ELECTION OF THE HEAD OF THIS DIVISION OF GOVERNMENT, THE CITY COURT CLERK, BY THE PEOPLE OF THE CITY OF MEMPHIS, TENNESSEE; AND TO ESTABLISH THE TRAFFIC VIOLATIONS BUREAU AS A BRANCH OF THE CITY COURT CLERK'S OFFICE, TO BE ADMINISTERED BY A CHIEF CLERK SELECTED BY THE CITY COURT CLERK AND APPROVED BY THE MAYOR AND COUNCIL; AND TO PRESCRIBE THE DUTIES OF THE ADMINISTRATIVE JUDGE, CITY COURT, AND SUCH OTHER DUTIES AS THE COUNCIL MAY BY ORDINANCE PRESCRIBE RELATING TO THE OPERATION OF THE CITY COURTS; AND TO SUBMIT THE QUESTION (PROPOSED ORDINANCE) TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL ELECTION TO BE HELD OCTOBER 9, 1975.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

That Article 35 of the Charter be amended by deleting Section 253.5 as it now stands, and substituting in lieu thereof the following:

“Sec. 253.5. Duties of administrative judge. The duties of said administrative judge shall be as follows: (1) Preside at en banc sessions of the Court; (2) Promulgate and publish rules of the Court; (3) Prepare with the advice of the other judges a budget for the City Courts to be submitted by the judges to the operating budget of the City of Memphis and submit same to the Council for approval or amendment as now provided by law for the operating budget of the City of Memphis; (4) Request or convene conferences of judges, prosecutors and clerks to consider the status of judicial business and to expedite and improve procedures in the administration of justice; (5) In all administrative matters carry out the directives of a majority of the City Court Judges; (6) Such other duties as the Council may by ordinance prescribe.”

Section 2.

BE IT FURTHER ORDAINED, that Section 258 of Article 35 of said Charter be amended by striking the words “administrative judge” in the first sentence and substituting in lieu thereof the words “City Court Clerk.”

Section 3.

BE IT FURTHER ORDAINED, that Article 35 of said Charter be further amended by adding to Section 258 as the final paragraph the following:

“The City Court Clerk shall choose special judges on a rotating basis from a list composed of all attorneys who volunteer for said service. All Tennessee licensed attorneys shall be eligible.”

Section 4.

BE IT FURTHER ORDAINED, that Article 35 of said Charter be further amended by deleting Section 260, as it presently appears, and substituting in lieu thereof the following:

“Sec. 260. City Court Clerk. The City Court Clerk shall be director of the division of city government known as the Office of the City Court Clerk. The Clerk shall have at least two (2) chief clerks, one of whom shall be responsible for the Traffic Violations Bureau, the other shall be responsible for the clerical functions of the City Courts per se. These two (2) chief clerks shall be selected by the elected City Court Clerk with the approval of the Mayor and Council. These chief clerks shall be responsible at all times to the City Court Clerk.

The clerk shall have sole responsibility for the docket and minute books of the City Court. The Clerk shall supervise the execution clerks. The Clerk shall assign cases to the divisions. The Clerk shall have the power to select personnel for his department based on their qualifications for this type work. The Clerk shall have responsibility for preparing and submitting a budget for his office to the Mayor. The Clerk shall submit a report of his division every quarter, with the first quarterly report due on January 1, to the Mayor, the Administrative Judge, the Chairman of the Council and the Chairman of the Council’s Budget Committee. This report should indicate the status of the Traffic Violations Bureau regarding its number of tickets properly processed through the payment of fines or decisions of the Court and the number of tickets yet uncollected and pending in Court. The salary of the City Court Clerk shall be Two Thousand Dollars (\$2,000) less than the standard City Court judge’s salary. The salary may not be diminished during the term of the Clerk; provided, however, that the salaries as provided for in the budget of the City Court Clerk’s Office may be increased effective the beginning of the fiscal year covered by that budget.

The Clerk of the City Court shall be elected by a vote of the qualified electors of the City for a term of four (4) years and shall hold office until his successor is elected and qualified. The first Clerk shall be elected at the first general election to be held in 1976 and shall take office as soon as his election is certified. Such term shall expire on January 1, 1980. Subsequent City Court Clerks shall take office January 1 after their election. Subsequent elections of City Court Clerks shall take place at the same time, as the regular election of the Mayor and Council. In the period after the approval of this referendum by the people but before the election of the Clerk, the Mayor shall, with the approval of the Council, appoint an interim Clerk. Interim Clerks shall be chosen in the same manner whenever a vacancy in the office occurs, provided that a new Clerk shall be elected at the next general election after the vacancy occurs, if such vacancy arises at such time as to permit the election to be placed upon the ballot.

To be eligible to seek election as City Court Clerk, one must have been a resident voter of Memphis, Tennessee, for not less than five (5) years preceding his or her election, unless he or she shall have resided during the five (5) years preceding the election or appointment in territory that has been annexed to and at the time of such election or appointment form a part of the City of Memphis.”

Section 5. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be, and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 6. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 7. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby directed, to cause this proposal (ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 8. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby directed, to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 9th day of October.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AMENDING ARTICLE 35 OF SAID CHARTER SO AS TO ESTABLISH DIVISION AND DUTIES OF GOVERNMENT TO BE KNOWN AS THE OFFICE OF THE CITY COURT CLERK, WITH PROVISIONS FOR THE ELECTION AND SALARY OF THE CITY COURT CLERK AND TO ESTABLISH THE DUTIES OF THE ADMINISTRATIVE JUDGE.

An ordinance of the City of Memphis adopted on the 29th day of April, 1975, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to establish division and duties of government to be known as the Office of the City Court Clerk, with provisions for the election and salary of the City Court Clerk and to establish the duties of the administrative judge.

FOR (YES) _____
AGAINST (NO) _____

Section 9. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

ROBERT H. LOVE,
Chairman of Council.

Attest:

GEORGE SUPENSKY, Comptroller.

Ordinance No. 2296

[MEMPHIS ANIMAL SHELTER BOARD]

Adopted..... September 2, 1975
Referendum Election.....November 2, 1976

AN ORDINANCE TO AMEND THE CHARTER, CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE NAME OF MEMPHIS HUMANE BOARD TO MEMPHIS ANIMAL SHELTER BOARD.

WHEREAS, it has been determined that conflict appears in references made to Memphis Humane Society and the Memphis Humane Board and for clarification it is desired that the name of the Memphis Humane Board be changed to Memphis Animal Shelter Board.

NOW, THEREFORE,

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby further amended as follows:

- (1) Under Charter Section 854, by deleting wherever same appears the words "Memphis Humane Board" and substituting in lieu thereof the following words: "Memphis Animal Shelter Board."

Section 2.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance be, and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 4.

BE IT FURTHER ORDAINED, that the Comptroller be and is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 1976.

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS SO AS TO CHANGE THE NAME OF MEMPHIS HUMANE BOARD TO MEMPHIS ANIMAL SHELTER BOARD.

An Ordinance of the City of Memphis adopted on the 2[nd] day of September, 1975, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis, so as to amend Charter Section 854 by deleting the words "Memphis Humane Board["] wherever same appears and substituting in lieu thereof the words "MEMPHIS ANIMAL SHELTER BOARD".

FOR (YES)_____
AGAINST (NO)_____

Section 5.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption thereof.

Section 6.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify to the Comptroller of the City of Memphis, Tennessee, the results of said election, who shall see that the said results are made a part of the minutes of the Council of the City of Memphis.

Section 7.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 2nd day of November, 1976, the public welfare requiring it.

Section 8.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

ROBERT H. LOVE
Chairman of Council

Attest:
GEORGE SUPENSKY, Comptroller

Ordinance No. 2384

[SPEEDY ARRAIGNMENT]

Adopted.....March 2, 1976
Referendum Election.....May 25, 1976

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE, (HOME RULE AMENDMENT), SO AS TO AMEND CITY CHARTER SECTION 270 BY CLARIFYING LEGAL PROCESS IN THE MATTER OF ARREST AND COURT APPEARANCE, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, TENNESSEE, TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION TO BE HELD IN THE YEAR, 1976.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, Tennessee, to its qualified voters at the Presidential Preference Primary Election which shall be held in the City of Memphis, Tennessee, which shall be at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended, so as to amend City Charter Section 270, to read as follows:

“Section 270. Arraignment within twenty-four hours after arrests; exceptions.

Every person arrested on the charge of violating an ordinance, or on process issuing from said court, shall be presented to the court for arraignment within twenty-four hours after his arrest, unless Sunday or legal holiday shall intervene. At such arraignment the defendant may plead guilty or request a trial date.”

Section 2.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance be, and the same are, continued in full force and effect and all laws in conflict therewith are hereby repealed.

Section 3.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause the proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 4.

BE IT FURTHER ORDAINED, that the Comptroller be and is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal, and the following form of preference, to be placed on the ballot in an election to coincide with the Presidential Preference Primary to be held in the year 1976:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, SO AS TO CLARIFY LEGAL PROCESS IN THE MATTER OF ARREST AND COURT APPEARANCE.

An Ordinance of the City of Memphis adopted on the _____ day of _____, 1976, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis, so as to amend Charter Section 270, to read as follows:

“Section 270. Arraignment within twenty-four hours after arrest; exceptions.

Every person arrested on the charge of violating an ordinance, or on process issuing from said court, shall be presented to the court for arraignment within twenty-four hours after his arrest, unless Sunday or legal holiday shall intervene. At such arraignment the defendant may plead guilty or request a trial date.”

FOR (YES) _____
AGAINST (NO) _____

Section 5.

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption hereof.

Section 6.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission shall certify to the Comptroller of the City of Memphis, Tennessee, the results of said election who shall see that said resolution is made a part of the Minutes of the Council of the City of Memphis.

Section 7.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in the Presidential Preference Primary Election to be held in the year 1976, the public welfare requiring it.

Section 8.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

A.D. ALISSANDRATOS
Chairman of Council

Attest:

George Supensky, Comptroller.

Ordinance No. 2487

[SPEEDY ARRAIGNMENT]

Adopted.....August 31, 1976
Referendum Election.....November 2, 1976

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE, (HOME RULE AMENDMENT), SO AS TO AMEND CITY CHARTER SECTION 270 BY CLARIFYING LEGAL PROCESS IN THE MATTER OF ARREST AND COURT APPEARANCE, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, TENNESSEE, AT THE FIRST GENERAL ELECTION TO BE HELD NOVEMBER 2, 1976.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, Tennessee, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 2, 1976, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis Tennessee, be amended, so as to amend City Charter Section 270, to read as follows:

“Sec. 270. Arraignment within twenty-four hours after arrest; exceptions. Every person arrested on the charge of violating an ordinance, or on process issuing from said court, shall be presented to the court for

arraignment within twenty-four hours after his arrest, unless Saturday, Sunday or legal holiday shall intervene. At such arraignment the defendant may plead guilty or request a trial date.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 2, 1976, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 1976:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, SO AS TO CLARIFY LEGAL PROCESS IN THE MATTER OF ARREST AND COURT APPEARANCE.

An Ordinance of the City of Memphis adopted on the ____day of _____, 1976, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis, so as to amend Charter Section 270, to read as follows:

“**Sec. 270. Arraignment within twenty-four hours after arrest; exceptions.** Every person arrested on the charge of violating an ordinance, or on process issuing from said court, shall be presented to the court for arraignment within twenty-four hours after his arrest, unless Saturday, Sunday or legal holiday shall intervene. At such arraignment the defendant may plead guilty or request a trial date.”

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 2nd day of November, 1976, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, the result of said election who shall see that said results are made a part of the minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby

declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

OSCAR H. EDMONDS
Chairman of Council

Attest:
PAUL ARNETT, Comptroller.

ORDINANCE NO. 2490

(COUNCIL MEETING DATES]

Adopted..... September 7, 1976
Referendum Election.....November 2, 1976

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO CHANGE MEETING DATE OF PUBLIC SESSIONS OF CITY COUNCIL, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD 11-2-76.

WHEREAS, the City of Memphis through its City Council under Charter Section 43, holds a regular meeting every Tuesday at 2:30 o'clock in the afternoon and may hold such special meetings as may be called by said Council; and

WHEREAS, it is now desired to change said hours to better benefit segments of the population and citizens of Memphis.

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted to the qualified voters at the first election which shall be held in the City of Memphis, Tennessee, on November 2, 1976, and which shall be held at least sixty (60) days after such publication, by amending City Charter Section 43 to read as follows:

“Sec. 43. Meetings. The City Council shall hold a regular meeting every Tuesday at 2:30 o'clock in the afternoon, or at such other time each Tuesday as it so designates by resolution; provided, however, that no meeting shall be held at other than 2:30 o'clock p.m. except upon fourteen (14) days public notice. If the business of any regular or special meeting be not concluded on the day when the same convenes, the Council may adjourn such meeting to any subsequent day of that week.

All such regular meetings or special called meetings, as hereinabove described, of the City Council shall be public, and shall be held at the place provided for such meetings, and said place cannot be changed, except by ordinance.”

Section 2. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid if any.

Section 4. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee.

Section 5. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 1976:

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS SO AS TO PROVIDE FOR CHANGE OF TIME ON PUBLIC MEETING DATE.

An Ordinance of the City of Memphis was adopted on the _____ day of _____, 19 ____, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to authorize change of regular City Council meetings to each Tuesday at 7:00 o'clock p.m., and, further, to provide for any special called meetings of the City Council.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon, in an election to be held on the 2nd day of November, 1976, the public welfare requiring it.

Section 7. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

OSCAR H. EDMONDS, JR.
Chairman of Council

Attest:
PAUL ARNETT, City Comptroller.

ORDINANCE NO. 2725

[AUTOMATIC PROMOTION TO CAPTAIN IN DEPARTMENT OF FIRE AND POLICE]

Adopted..... May 23, 1978
Referendum Election..... November 7, 1978

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND SECTION 67 RELATING TO DELETION OF AUTOMATIC PROMOTION TO CAPTAIN AFTER THIRTY YEARS EMPLOYMENT OR SERVICE IN EITHER THE FIRE SERVICES OR THE POLICE DIVISION AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 7, 1978.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That, pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 7, 1978 and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by amending Section 67 to read as follows:

“Any fireman or policeman who shall have served the City of Memphis for a period of thirty (30) years, either continuously or intermittently, shall at the expiration of said thirty years, automatically be promoted to the rank of captain of the fire division or captain of the police division, with all the salary, emoluments and other privileges of said rank; and, upon the retirement of such fireman or policeman, he shall receive a pension as captain.

Automatic promotion to the rank of captain in either the fire services division or the police division as set out in the above paragraph shall not apply to any person employed by the city after the date of January 31, 1979.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article II, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general election on November 7, 1978, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference, to be placed on the ballot in an election to be held on the 7th day of November, 1978:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY AMENDING SECTION 67, SO AS TO DELETE THE REQUIREMENT OF AUTOMATIC PROMOTION TO

CAPTAIN AFTER THIRTY YEARS SERVICE, BY ADDING THE FOLLOWING PARAGRAPH TO THE END OF SAID SECTION:

“Automatic promotion to the rank of captain in either the fire services division or the police division as set out in the preceding paragraph shall not apply to any person employed by the city after the date of January 31, 1979.”

An ordinance of the City of Memphis was adopted on the 23rd day of May, 1978, providing for a referendum on the Home Rule Amendment Charter of said city which will delete the requirement of automatic promotion to captain in either the Fire Services Division or the Police Division for persons employed after January 31, 1979.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 7th day of November, 1978, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, the result of said election who shall see that said results are made a part of the minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

GLENN RAINES
Chairman of Council

ATTEST:
PAUL N. ARNETT, Comptroller

ORDINANCE NO. 2766*

[DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES]

*Cross reference—See Ordinance No. 3236 for provisions relative to striking employees not covered under this ordinance.

Adopted..... September 5, 1978
Referendum Election.....November 7, 1978

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROVIDE FOR DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 7, 1978.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That, pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 7, 1978, and which shall be held at least sixty (60) days after such publication.

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by including a “Disciplinary Action Against Striking Employees” section, to read as follows:

“Whereas the people of the City of Memphis desire that all negotiation of employment agreements between the City of Memphis and its employees be conducted in a spirit of good faith and with the intent to reach an equitable agree-ment in a reasonable period of time, and the people of the City of Memphis hereby find that the instigation of or participation in strikes against said city by any officer or employee of said city constitutes a serious threat to the lives, property and welfare of the citizens of said city and hereby declare as follows:

“(1) The City Council shall, by ordinance, set up procedures for arbitration of economic issues of municipal labor disputes by the Council or a Committee of the Council, and establish rules and procedure therefor; provided, however, neither the Council nor any Committee thereof shall engage in arbitration of economic issues of municipal labor disputes unless and until there has occurred an impasse on a total economic package, which impasse remains deadlocked for seven (7) consecutive days.

“(2) As used in this section the word “strike” shall mean the willful failure to report for duty, the willful absence from one’s position, any concerted stoppage or slowdown of work, any concerted interruption of operations of services by employees, or the willful abstinence in whole or in part from the full, faithful and proper performance of the duties of employment; provided, however, that nothing contained in this section shall be construed to limit, impair or affect the right of any municipal employee to express or communicate a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of municipal employment, or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment.

“(3) No person holding a position by appointment or employment under direct supervision of the mayor, City Court Clerk, or City Judges, which persons are hereinafter referred to as municipal employees, shall strike, nor shall any

municipal employee cause, instigate, or afford leadership to a strike against the City of Memphis. For the purpose of this section, any municipal employee who willfully fails to report for duty, is willfully absent from his or her position, willfully engages in a work stoppage or slowdown, willfully interrupts city operations or services, or in any way willfully abstains in whole or in part from the full, faithful, and proper performance of the duties of his or her employment because such municipal employee is “honoring” a strike, shall be deemed to be on strike. Any municipal employee who participates in a strike as herein defined shall be conclusively deemed to have resigned his appointment or employment with the City; provided, however, nothing herein shall infringe upon any individual’s rights under the Civil Service provisions of this Charter. For the purposes of this Section, the members of the Civil Service Board are hereby established as a special hearing Board of the City of Memphis for the purpose of hearing appeals of employees not covered by civil service or grievance procedure and determining if a strike occurred, and if petitioner before the Board participated in such strike.

“(4) No person exercising any authority, supervision, or direction over any municipal employee shall have the power to authorize, approve, or consent to a strike by any one or more municipal employees, and such person shall not authorize, approve, or consent to such strike. No officer, board, commission, or committee of the City of Memphis shall have the power to grant amnesty to any person who has violated any of the provisions of this section, and such officer or bodies shall not grant amnesty to any person who has violated any of the provisions of this section.

“(5) Notwithstanding any other provisions of law, a person violating any of the provisions of this section may subsequent to such violation be appointed or reappointed, employed or re-employed as a municipal employee of the City of Memphis but only on the following conditions:

“(a) Such person shall be appointed or reappointed, employed or re-employed as a new appointee or employee, who is appointed or re-employed in accordance with all charter provisions, ordinances, rules or regulations of said city in effect for new employees at the time of appointment, reappointment, employment, or re-employment;

“(b) The compensation of such person shall not be increased by virtue of any previous employment with said city.

“(6) In order to bring the provisions of this section to the attention of any person who may be affected thereby, each municipal employee on the effective date of this section, and each person appointed or employed as a municipal employee pursuant to the civil service provisions of this Charter, on or after the effective date of this section shall be furnished a copy of this section and shall acknowledge such receipt in writing. The signed, written receipt shall be filed in the office of the Civil Service Commission and maintained therein for the term of his or her employment with the City of Memphis.

“(7) If any clause, sentence, paragraph, subsection, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, or part thereof directly involved in the controversy in which such judgment shall have been rendered.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November

7, 1978, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 7th day of November, 1978:

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS RELATING TO DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES.

An Ordinance of the City of Memphis adopted on the 5th day of September, 1978, providing for disciplinary action against striking employees.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 7th day of November, 1978, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis the result of said election, who shall see that said results are made a part of the minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence, or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

GLENN RAINES
Chairman of Council

ATTEST:

ROBERT TAMBOLI, Comptroller

ORDINANCE NO. 3054

[LIGHT, GAS AND WATER DIVISION AMENDMENTS*]

* **Cross reference**—Light, gas and water division, Art. 65.

Adopted..... September 2, 1980
Referendum Election.....November 4, 1980

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND CERTAIN SECTIONS RELATIVE TO THE MEMPHIS LIGHT, GAS & WATER DIVISION TO PERMIT NECESSARY CHANGES IN THE BOARD ORGANIZATION, OFFICERS AND EMPLOYEES; TO PROVIDE FOR ADDITIONAL ENERGY FUNCTIONS AND SYSTEMS; TO ALLOW FOR ESTABLISHMENT OF RATES BY THE CITY COUNCIL OF NEW ENERGY SYSTEMS; TO PROVIDE FOR BOOKS AND ACCOUNTS; TO PROVIDE FOR INVESTMENT AND REINVESTMENT OF FUNDS AND RESERVES; TO AUTHORIZE FINANCIAL PROVISIONS; TO PERFORM OTHER FUNCTIONS ASSIGNED BY ORDINANCE BY THE CITY COUNCIL AND TO PROVIDE GENERAL ORGANIZATIONAL CHANGES AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 1980.

WHEREAS, the Memphis Light, Gas & Water Division was established by an amendment to the Charter of the City of Memphis in 1939; and

WHEREAS, there have been few modifications of the provisions relating to the Memphis Light, Gas & Water Division since that time; and

WHEREAS, there have been substantial changes relative to energy and energy systems requiring modernization of provisions of the Charter relating to the Memphis Light, Gas & Water Division and its Board; and

WHEREAS, there is need for flexibility in the organization of the Memphis Light, Gas & Water Division and its role as a supplier of energy not only through the normal water, electric and gas systems but artificial gas, solar power and other new technologies; and

WHEREAS, there is a need to revise and allow for the modernization of the various divisions and the establishment of new divisions with appropriate financial provision but allowing flexibility of operation, and maintaining fiscal control by the rate-making power in the City Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Memphis that the present Charter of said City consisting of the provisions and the acts of the State of Tennessee for the year 1879, Chapter 11, as amended, being the same as further amended as follows:

Section 1.

The Memphis Light, Gas & Water Division shall have jurisdiction, control and management of energy systems such as coal gasification, fuel cell, solar, steam, cogeneration, and all other types of energy systems acquired by the City of Memphis for the manufacture, production, distribution or sale of all forms of energy including electricity, natural or artificial gas, steam or water, and the properties, agencies, and facilities used for any such purpose or purposes. The Council of the City of Memphis may likewise assign the management or control of the manufacture, production, distribution and sale of energy from refuse or sludge or other properties collected and controlled by other departments

of the City upon such terms and conditions as the Council shall prescribe. The Memphis Light, Gas & Water Division shall perform such other functions as prescribed by ordinance.

The Board of Light, Gas & Water Commissioners shall have the power and authority to construct, purchase, improve, operate and maintain, within the corporate limits of the City of Memphis or elsewhere within the limits of Shelby County, or as permitted by State law, the energy systems as set forth above including all necessary equipment, property, rights-of-way, easements, and all other appurtenances usual for such facilities. The Board of Light, Gas & Water Commissioners shall have authority to make a schedule of rates for said energy systems and for different classes of consumers in accordance with the provisions now provided for establishing service rates with any rates or any change in rates to be presented in an application to the Council of the City of Memphis as presently provided.

The Board of Light, Gas & Water Commissioners shall have the right to make any and all contracts concerning such energy systems in accordance with the provisions now provided for contracts and have all other powers which presently exist in said Board as now provided in the Charter of the City of Memphis. The Memphis Light, Gas & Water Division, with the consent of the City Council, may contract with any person, federal agency, municipality, or public or private corporation for the construction or purchase of energy systems including joint ventures, partnership, or other financial arrangements under such terms and conditions as are approved by the City Council.

The Board of Light, Gas & Water Commissioners shall have power to establish different divisions of the Memphis Light, Gas & Water Division for assigning of the separate energy functions or for the efficient operation of the Memphis Light, Gas & Water Division and [to] provide for the keeping of such books and records as it may require to properly account for the equitable distribution of expenses. Each of such energy systems [is] to be financially separate with such joint or common expenses as shall be advisable and economical as determined by the Board of Commissioners.

Notwithstanding any other provision of the Charter, the monies and funds of any division may be loaned to another division in such amounts and upon such terms as the Board of Light, Gas & Water Commissioners may authorize and approve.

The Board of Light, Gas & Water Commissioners shall provide for the organization of its own Board and for such other subordinate officers and employees as the Board deems appropriate. The provisions for naming vice-president and chief engineer are eliminated. The Board of Light, Gas and Water Commissioners shall establish such organization as it deems best and advisable for the efficient operation of the Memphis Light, Gas & Water Division as presently constituted and any future energy systems.

The President of the Board of Light, Gas and Water Commissioners shall no longer be a member of the Board of Commissioners beginning June 1, 1981. The President shall thereafter be appointed for five-year terms by the Mayor, and approved by the Council of the City of Memphis. In the event of a vacancy occurring by death, resignation, or removal of the President, his successor shall be appointed for a five-year term commencing upon his appointment by the Mayor and approval by the City Council. The Chairman of the Board of Light, Gas & Water Commissioners shall perform any necessary acts until the appointment of a President.

The President shall attend the meetings of the Board of Commissioners, but shall have no vote and shall give his entire time and attention to the duties of his office as presently provided in the Charter. The President may be removed in the same manner and subject to the same procedures provided for directors.

The number of required regular meetings may be changed with the approval of the City Council. The Board of Light, Gas and Water Commissioners may enter into such banking contract or contracts as it may determine under the procedures set forth for banking contracts for the City of Memphis with Council approval.

The Board of Light, Gas & Water Commissioners shall provide for the investment and reinvestment of its funds and reserves as determined in the discretion of the Board of Commissioners and the funds of all divisions may be combined for the purpose of obtaining the best investment. The Board shall not be limited as now provided but shall be able to make such investments as authorized by state law and as the Board of Light, Gas & Water Commissioners may deem best with such security as the Board may deem proper. Any profit or loss resulting from any such investment or reinvestment shall be credited or charged to the several divisions in proportion to the respective funds so invested and reinvested.

The present provision providing for a member of the Board of Commissioners of the City of Memphis, now superseded by the City Council, to be designated to attend the meetings is no longer applicable nor is the provision permitting a duly authorized agent or representative of the Board of Commissioners, now City Council, to approve

actions of the Board of Light, Gas & Water Commissioners and such provisions are repealed. Any matters requiring Council approval shall be forwarded through the Mayor's designated liaison to the City Council for approval.

The City Council by ordinance may raise the amount of contracts and salaries or compensation for employees or others requiring City Council approval to such amount as it may deem appropriate and may raise by ordinance the amount of equipment, materials or supplies requiring newspaper advertisement for competitive bids.

The present provisions of the Charter for rights of condemnation, establishing of rules and regulations, the use of rights-of-way, and the issuance of bonds, notes or other obligations with the consent of the City Council shall also be applicable to any new energy systems or divisions established. The distribution of any revenue shall be in accordance with the same distribution as is provided for the disposition of revenue of the gas division as presently set forth in the Charter, provided, however, that any surplus funds (Section 7) remaining over and above safe operating margins may be devoted to rate reductions or to capital projects for energy as a means of providing funds for energy systems.

The allotment of funds may be changed in such manner as may be deemed necessary by the Board of Light, Gas & Water Commissioners in contracting with federal agencies or in the issuance and sale of any bonds or notes on behalf of or in conjunction with energy systems in the same manner as is now provided in the Charter for electric, gas or water divisions.

Section 2.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be, and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this Ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the part so held to be invalid, if any.

Section 4.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby, directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 5.

BE IT FURTHER ORDAINED, that the Comptroller be, and he is hereby, directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 4th day of November, 1980.

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS AMENDING PROVISIONS RELATING TO MEMPHIS LIGHT, GAS & WATER DIVISION SO AS TO PROVIDE FOR CHANGES IN THE BOARD ORGANIZATION, ADD PROVISIONS ON NEW ENERGY SYSTEMS AND PROVIDE FOR DETAILS, OF ORGANIZATION OF THE MEMPHIS LIGHT, GAS & WATER DIVISION.

An Ordinance of the City of Memphis adopted on the [2nd] day of September, 1980, providing for a referendum on a Home Rule Amendment to the Charter of the City of Memphis so as to provide for changes in the Board organization of the Memphis Light, Gas & Water Division, provide for new energy systems and details of organization of the Memphis Light, Gas & Water Division.

FOR (YES) _____
AGAINST (NO) _____

Section 6.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

ATTEST:

PAT VANDER SCHAAF
Chairman of the Council

ROBERT J. TAMBOLI, Comptroller

Code reference—Authority and duties of board of commissioners, § 2-20-3.

ORDINANCE NO. 3231

**[INCREASE AND CLARIFY CONTRACTUAL AMOUNTS
AND PUBLICATION OF NOTICES THEREFOR (§ 51)]**

Adopted.....August 17, 1982
Referendum Election.....November 2, 1982

A REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), BY AMENDING SECTION 51 TO INCREASE AND CLARIFY CONTRACTUAL AMOUNTS AND PUBLICATION OF NOTICES THEREFOR; TO PROVIDE FOR EMERGENCY PURCHASES AND FOR THE PURCHASE OF NOVELTY ITEMS AND SINGLE SOURCE ITEMS; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 2, 1982.

WHEREAS, there have been substantial increases in contract costs for the City since 1957; and

WHEREAS, costs of advertisement have risen dramatically within recent years so that the average expense for advertising for bids on contracts exceeding two thousand dollars (\$2,000.00) is approximately one hundred dollars (\$100.00) per bid package; and

WHEREAS, the City presently spends approximately fifty thousand dollars (\$50,000.00) each year for such advertising; and

WHEREAS, additionally, the Purchasing Agent is required to mail bid requests to prospective bidders, thus increasing advertising costs; and

WHEREAS, time to consummate purchases from two thousand dollars (\$2,000.00) to ten thousand dollars (\$10,000.00) could be reduced from approximately eight weeks to approximately two weeks and result in savings on advertising expense of more than twenty thousand dollars (\$20,000.00) per year; and

WHEREAS, there is a need to revise and allow for purchasing procedures involving emergencies and the acquisition of novelty and single source items; and

WHEREAS, it appears to be in the best interest of the citizens of Memphis that such changes would be beneficial and will require amendment to the Charter.

NOW, THEREFORE,

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That, pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee, as amended, the following proposals shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 2, 1982, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended, by amending Section 51, to read as follows:

“Section 51. Contractual limitations—Notices—Emergencies.

(1) No contract involving an expenditure exceeding ten thousand dollars (\$10,000.00), shall be awarded or let to the lowest and best bidder until after the advertisement by at least three publications in a newspaper published and circulated in the City of Memphis within the calendar week before the date fixed in the advertisement upon which bids are to be received. The provisions of this paragraph shall not apply to the procedure and procurement of items described herein in subsections 3 and 4.

(2) In addition to the required publications set forth above, the Mayor is hereby authorized at any time, not exceeding sixty (60) days prior to the date fixed for the receipt of bids, to make such additional and similar publications of said notice to bidders in newspapers, engineering, public works or financial journals, or other similar periodicals, in this and other cities which the said Mayor may deem advisable in the exercise of his discretion to reach prospective bidders.

(3) In the event of any emergency, as determined by the administration, where there is imminent threat to life, health or property, and there is insufficient time for advertising in the newspapers as required in subsection (1) above, any items to be purchased, or services or work required to be performed, may be authorized without notice and further, provided that administrative and legal approval shall be obtained and publicly announced at the first subsequent administrative meeting involving the announcement of contract awards.

(4) It being impracticable to take bids for the purchase, sale or exchange of animals for the Zoo, or artifacts and other museum pieces, or single source items such as copyrighted publications and films or novelty items such as, including but not limited to, candy, T-shirts, souvenirs, or other items purchased for resale in recreational areas, such activities are specifically exempted from the requirement of the competitive bidding system.

Purchases of the foregoing items shall be made by the Purchasing Agent after recommendation from the appropriate division director, board, commission or their authorized representative. If the items sought are less than ten thousand dollars (\$10,000.00) the purchase may be consummated by purchase order; if the items sought are in excess of ten thousand dollars (\$10,000.00), then the purchase must be consummated by written contract signed by the Mayor.”

[Section 2. Publication of home rule amendment.]

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 2, 1982, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 1982:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, BY AMENDING SECTION 51, TO INCREASE AND CLARIFY CONTRACTUAL LIMITS AND PUBLICATION OF NOTICES THEREFOR; TO PROVIDE FOR EMERGENCY PURCHASES AND FOR THE PURCHASE OF NOVELTY ITEMS AND SINGLE SOURCE ITEMS SO THAT SAID SECTION 51 SHALL READ AS FOLLOWS:

“Section 51. Contractual limitations—Notices—Emergencies.

(1) No contract involving an expenditure exceeding ten thousand dollars (\$10,000.00), shall be awarded or let to the lowest and best bidder until after the advertisement by at least three publications in a newspaper published and circulated in the City of Memphis within the calendar week before the date fixed in the advertisement upon which bids are to be received. The provisions of this paragraph shall not apply to the procedure and procurement of items described herein in subsections 3 and 4.

(2) In addition to the required publications set forth above, the Mayor is hereby authorized at any time, not exceeding sixty (60) days prior to the date fixed for the receipt of bids, to make such additional and similar publications of said notice to bidders in newspapers, engineering, public works or financial journals, or other similar periodicals, in this and other cities which the said Mayor may deem advisable in the exercise of his discretion to reach prospective bidders.

(3) In the event of any emergency, as determined by the administration, where there is imminent threat to life, health or property, and there is insufficient time for advertising in the newspapers as required in subsection (1) above, any items to be purchased or service or work required to be performed, may be authorized without notice and further, provided, that administrative and legal approval shall be obtained and publicly announced at the first subsequent administrative meeting involving the announcement of contract awards.

(4) It being impracticable to take bids for the purchase, sale or exchange of animals for the Zoo, or artifacts and other Museum pieces, or single source items such as copyrighted publications and films or novelty items such as, including, but not limited to, candy, T-shirts, souvenirs, or other items purchased for resale in recreational areas, such activities are specifically exempted from the requirement of the competitive bidding system.

Purchases of the foregoing items shall be made by the Purchasing Agent after recommendation from the appropriate division director, board, commission or their authorized representative. If the items sought are less than ten thousand dollars (\$10,000.00) the purchase may be consummated by purchase order; if the items sought are in excess of ten thousand dollars (\$10,000.00), then the purchase may be consummated by written contract signed by the Mayor.[”]

An ordinance of the City of Memphis was adopted on the [17th] day of [August], 19 [82], providing for a referendum on this Home Rule Amendment to the Charter of said City, so as to change Section 51.

FOR (YES) _____
AGAINST (NO) _____ [”]

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 2nd day of November, 1982, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, the results of said election, who shall see that said results are made a part of the minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Attest:

ROBERT TAMBOLI,
City Comptroller.

J. O. PATTERSON, JR.
Chairman of Council

ORDINANCE NO. 3233

[CIVIL SERVICE (ARTICLE 34)]

Adopted.....August 31, 1982
Referendum Election.....November 2, 1982

AS AMENDED AUGUST 31, 1982

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO DELETE THE PRESENT ARTICLE 34, "CIVIL SERVICE" AND SUBSTITUTE IN LIEU THEREOF A REVISED ARTICLE 34; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE GENERAL STATE ELECTION TO BE HELD NOVEMBER 2, 1982.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of said City consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the general

state election, which shall be held in the City of Memphis on November 2, 1982, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by deleting the present Article 34, "Civil Service," in its entirety and substituting in lieu thereof the following revised Article, to read as follows:

"ARTICLE 34. CIVIL SERVICE

Section 1. Composition of commission.

There is hereby created a commission to be composed of seven (7) members, to be known as the Civil Service Commission of the City of Memphis.

Section 2. Qualifications of members; compensation.

The Council of the City of Memphis shall have the power to fix the qualifications and compensation of the members of the Civil Service Commission and to pass such ordinances as may be required to carry out the purposes and provisions of this article.

Section 3. Appointment of members.

The Mayor shall appoint members to the commission, with the approval of a majority of the Council, for the following terms: two (2) members for a term of one (1) year, two (2) members for a term of two (2) years, and three (3) members for a term of three (3) years. One of said commissioners shall be designated by the Mayor to serve as chairman of the commission. In the event that the chairman is unable to attend a commission hearing, the Mayor shall have the power to designate someone from the commission membership to serve as substitute chairman. Subsequent to the initial terms of the commissioners, as provided for in this section, each commissioner appointed thereafter shall serve for a term of three (3) years.

Section 4. Oath of commissioners.

The said commissioners shall qualify and take an oath to uphold the Constitutions of the United States and of the State of Tennessee, and faithfully to discharge the duties of their respective offices, and, upon the organization thereof, shall undertake the duties of said office.

Section 5. Removal of commissioners.

Any commissioner may be removed for just cause during his term of office by a majority vote of the City Council on recommendation by the Mayor, but only after such commissioner shall have been served with a statement in writing of the reasons alleged to justify his removal, and only after such commissioner is allowed an opportunity to be represented and publicly heard in his defense before the City Council. Said action of the City Council shall be final.

Section 6. Powers and duties of commissioners.

The Civil Service Commission shall have the power and it shall be its duty to conduct hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of this article. In the course of any hearing conducted under the provisions of this article, the Civil Service Commission shall have power to administer oaths, to subpoena and require the attendance of witnesses within the City and the production by them of books and papers pertinent to any matter of inquiry, and to examine such witnesses under oath in relation to any matter properly involved in such proceeding. For such purposes, the commission may invoke the power of any court of record in the City, or judge thereof, to compel the attendance and testimony of witnesses and the production of books and papers in compliance with such subpoena.

Section 7. Termination, suspension, or demotion of employee.

The City may terminate, suspend, or demote an employee for just cause, and the employee shall be given a written notice of the reasons for the action. Just cause shall exist when the employer had a reasonable basis for the action taken. Enumeration of the above-stated disciplinary actions, which are reviewable by the commission, shall not be construed as a limitation on powers of the City to impose other less stringent disciplinary measures which shall not be appealable to the commission.

Section 8. Appeals to commission.

Any employee holding a position not exempted from the provisions of this article and not in his initial probationary period, who has been suspended in excess of ten (10) days, terminated, or demoted, may appeal to the commission within ten (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five (5) days within a six-month period and any subsequent suspension within said period shall be appealable to the commission. If an employee has previously elected a remedy other than as provided by federal law, he shall be barred from appealing to the Civil Service Commission, except that informal appeals within the particular division or within the administration shall not bar an appeal to the commission. In no event shall the ten (10) day time period for appealing to the commission be waived.

Section 9. Hearings.

Upon an employee's appeal from his termination, demotion, or suspension, a hearing shall be held before the hearing board of the commission within a reasonable time thereafter, not to exceed sixty (60) days from filing of the appeal. Any employee who has been indicted by a federal or state grand jury or against whom a presentment or information has been filed shall be granted, upon his request and at his election, a postponement of hearing before the Civil Service Commission until such indictment, presentment, or information has been finally disposed of by a court of competent jurisdiction. The hearing board shall consist of the chairman and two (2) commissioners, and a majority vote shall be required to reverse or sustain the disciplinary action of the City. The secretary of the commission shall have the duty of convening said hearing board. At such hearing both the appealing employee and the official whose actions are being reviewed shall have the right to be heard and to present evidence and to be represented by themselves or by legal counsel of their choosing. The burden of proof required to sustain the action of the City shall be by a preponderance of the evidence. If, after a presentation of the proof, the commission finds that there exists a reasonable basis for the disciplinary action taken, the action of the City shall be sustained. The decision of the commission shall be stated in writing and shall include the commission's findings of fact and conclusions therefrom. The decision of the commission shall be appealable by either the City or the employee as provided by state law.

Section 10. Director of personnel.

There shall be a Director of Personnel, who shall be appointed by the Mayor with the approval of a majority of the Council. The Director of Personnel shall be subject to removal by the Mayor with the concurrence of a majority of the Council. His term of office shall be the same as that of the appointing Mayor, and he shall continue in office until his successor has been appointed and approved. The Director of Personnel shall be a person in sympathy with the application of merit as a basis for advancement, and with the application of sound business principles in the administration of persons, and shall prescribe methods whereby appropriate records of the work of employees may be kept. Said director shall likewise prescribe methods for grading the work of employees in the various departments affected herein, shall measure such work by fidelity to duty, punctuality, proper exercise of judgment, cooperation with superiors and other employees of the City of Memphis, courtesy to the general public, and other pertinent factors, to the end the said departments and the personnel thereof may function for the advancement of efficiency of said departments, and the promotion of public safety and welfare. There shall be no discrimination in the City employment of personnel because of religion, race, sex, creed, political affiliation, or other nonmerit factors, nor shall there be any discrimination in the promotion or demotion of City employees because of religion, race, sex, creed, political affiliation, or other nonmerit factors.

Section 11. Classification of officers and positions; exemptions from article.

The Director of Personnel shall classify all offices and positions in the City service according to the duties and responsibilities of each position, provided, however, that the following officers and employees shall be exempted from the provisions of this article:

- a. Officers and judges who are elected by popular vote and their successors;
- b. Members of and employees of the Board of Education;
- c. Members of the board and employees of the Memphis Light, Gas and Water Division;
- d. Division directors who are either now or may be hereafter appointed by the Mayor and Council;
- e. All employees of the legal department;
- f. Members of the various boards and commissions now existing or hereafter created;
- g. All staff employees of the offices of the Mayor and Chief Administrative Officer;
- h. One executive secretary for each board, commission, division director, and for the administrative judge of the city court;
- i. All officers and employees of the Memphis and Shelby County Public Library;
- j. All employees of the City Council office;
- k. Such other officers or employees whose positions, in the judgment of the Mayor, with the concurrence of the City Council, cannot be subject to the rules herein provided, and who shall not be affected by such rules and regulations. The provisions of this subsection (k) shall not allow removal of civil service protection from any employee whose position at that time is covered by this article.

Section 12. Examinations for applicants for employment.

All applicants for employment in positions protected by this article shall be subjected to competitive job-related examinations under such rules and regulations as may be adopted by the Director of Personnel. The examinations to be provided for shall be of a practical nature and relate to such matters as will fairly test the relative competency of the applicant to discharge the duties of the particular position. These examinations should be developed in conjunction with other tools of personnel assessment and complemented by sound programs of job design to aid significantly in the development and maintenance of an efficient work force and in the utilization and conservation of human resources. No question in any examination shall relate to political or religious opinions or affiliations. The examination shall be conducted and controlled by the Director of Personnel.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general state election on November 2, 1982, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 1982:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY DELETING THE PRESENT ARTICLE 34, “CIVIL SERVICE,” IN ITS ENTIRETY, AND SUBSTITUTING IN LIEU THEREOF A REVISED ARTICLE 34, TO READ AS FOLLOWS:

“ARTICLE 34 CIVIL SERVICE

Section 1. Composition of commission.

There is hereby created a commission to be composed of seven (7) members, to be known as the Civil Service Commission of the City of Memphis.

Section 2. Qualifications of members; compensation.

The Council of the City of Memphis shall have the power to fix the qualifications and compensation of the members of the Civil Service Commission and to pass such ordinances as may be required to carry out the purposes and provisions of this article.

Section 3. Appointment of members.

The Mayor shall appoint members to the commission, with the approval of a majority of the Council, for the following terms: two (2) members for a term of one (1) year, two (2) members for a term of two (2) years, and three (3) members for a term of three (3) years. One of said commissioners shall be designated by the Mayor to serve as chairman of the commission. In the event that the chairman is unable to attend a commission hearing, the Mayor shall have the power to designate someone from the commission membership to serve as substitute chairman. Subsequent to the initial terms of the commissioners, as provided for in this section, each commissioner appointed thereafter shall serve for a term of three (3) years.

Section 4. Oath of commissioners.

The said commissioners shall qualify and take an oath to uphold the Constitutions of the United States and of the State of Tennessee, and faithfully to discharge the duties of their respective offices, and, upon the organization thereof, shall undertake the duties of said office.

Section 5. Removal of commissioners.

Any commissioner may be removed for just cause during his term of office by a majority vote of the City Council on recommendation by the Mayor, but only after such commissioner shall have been served with a statement in writing of the reasons alleged to justify his removal, and only after such commissioner is allowed an opportunity to be represented and publicly heard in his defense before the City Council. Said action of the City Council shall be final.

Section 6. Powers and duties of commissioners.

The Civil Service Commission shall have the power and it shall be its duty to conduct hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of this article. In the course of any hearing conducted under the provisions of this article, the Civil Service Commission shall have power to administer oaths, to subpoena and require the attendance of witnesses within the City and the production by them of books and papers pertinent to any matter of inquiry, and to examine such witnesses under oath in relation to any matter properly involved in such proceeding. For such purposes, the commission may invoke the power of any court of record in the City, or judge thereof, to compel the attendance and testimony of witnesses and the production of books and papers in compliance with such subpoena.

Section 7. Termination, suspension, or demotion of employee.

The City may terminate, suspend, or demote an employee for just cause, and the employee shall be given a written notice of the reasons for the action. Just cause shall exist when the employer had a reasonable basis for the action taken. Enumeration of the above-stated disciplinary actions, which are reviewable by the commission, shall not be construed as a limitation on powers of the City to impose other less stringent disciplinary measures which shall not be appealable to the commission.

Section 8. Appeals to commission.

Any employee holding a position not exempted from the provisions of this article and not in his initial probationary period, who has been suspended in excess of ten (10) days, terminated, or demoted, may appeal to the commission within ten (10) calendar days after notification in writing of such action. In the event of multiple

suspensions, only that suspension which causes the total number of days suspended to exceed five (5) days within a six-month period and any subsequent suspension within said period shall be appealable to the commission. If an employee has previously elected a remedy other than as provided by federal law, he shall be barred from appealing to the Civil Service Commission, except that informal appeals within the particular division or within the administration shall not bar an appeal to the commission. In no event shall the ten (10) day time period for appealing to the commission be waived.

Section 9. Hearings.

Upon an employee's appeal from his termination, demotion, or suspension, a hearing shall be held before the hearing board of the commission within a reasonable time thereafter, not to exceed sixty (60) days from filing of the appeal. Any employee who has been indicted by a federal or state grand jury or against whom a presentment or information has been filed shall be granted, upon his request and at his election, a postponement of hearing before the Civil Service Commission until such indictment, presentment, or information has been finally disposed of by a court of competent jurisdiction. The hearing board shall consist of the chairman and two (2) commissioners, and a majority vote shall be required to reverse or sustain the disciplinary action of the City. The secretary of the commission shall have the duty of convening said hearing board. At such hearing both the appealing employee and the official whose actions are being reviewed shall have the right to be heard and to present evidence and to be represented by themselves or by legal counsel of their choosing. The burden of proof required to sustain the action of the City shall be by a preponderance of the evidence. If, after a presentation of the proof, the commission finds that there exists a reasonable basis for the disciplinary action taken, the action of the City shall be sustained. The decision of the commission shall be stated in writing and shall include the commission's findings of fact and conclusions therefrom. The decision of the commission shall be appealable by either the City or the employee as provided by state law.

Section 10. Director of personnel.

There shall be a Director of Personnel, who shall be appointed by the Mayor with the approval of a majority of the Council. The Director of Personnel shall be subject to removal by the Mayor with the concurrence of a majority of the Council. His term of office shall be the same as that of the appointing Mayor, and he shall continue in office until his successor has been appointed and approved. The Director of Personnel shall be a person in sympathy with the application of merit as a basis for advancement, and with the application of sound business principles in the administration of persons, and shall prescribe methods whereby appropriate records of the work of employees may be kept. Said director shall likewise prescribe methods for grading the work of employees in the various departments affected herein, shall measure such work by fidelity to duty, punctuality, proper exercise of judgment, cooperation with superiors and other employees of the City of Memphis, courtesy to the general public, and other pertinent factors, to the end the said departments and the personnel thereof may function for the advancement of efficiency of said departments, and the promotion of public safety and welfare. There shall be no discrimination in the City employment of personnel because of religion, race, sex, creed, political affiliation, or other nonmerit factors, nor shall there be any discrimination in the promotion or demotion of City employees because of religion, race, sex, creed, political affiliation, or other nonmerit factors.

Section 11. Classification of officers and positions; exemptions from article.

The Director of Personnel shall classify all offices and positions in the City service according to the duties and responsibilities of each position, provided, however, that the following officers and employees shall be exempted from the provisions of this article:

- a. Officers and judges who are elected by popular vote and their successors;
- b. Members of and employees of the Board of Education;
- c. Members of the board and employees of the Memphis Light, Gas and Water Division;
- d. Division directors who are either now or may be hereafter appointed by the Mayor and Council;
- e. All employees of the legal department;
- f. Members of the various boards and commissions now existing or hereafter created;
- g. All staff employees of the offices of the Mayor and Chief Administrative Officer;

- h. One executive secretary for each board, commission, division director, and for the administrative judge of the city court;
- i. All officers and employees of the Memphis and Shelby County Public Library;
- j. All employees of the City Council office;
- k. Such other officers or employees whose positions, in the judgment of the Mayor, with the concurrence of the City Council, cannot be subject to the rules herein provided, and who shall not be affected by such rules and regulations. The provisions of this subsection (k) shall not allow removal of civil service protection from any employee whose position at that time is covered by this article.

Section 12. Examinations for applicants for employment.

All applicants for employment in positions protected by this article shall be subjected to competitive job-related examinations under such rules and regulations as may be adopted by the Director of Personnel. The examinations to be provided for shall be of a practical nature and relate to such matters as will fairly test the relative competency of the applicant to discharge the duties of the particular position. These examinations should be developed in conjunction with other tools of personnel assessment and complemented by sound programs of job design to aid significantly in the development and maintenance of an efficient work force and in the utilization and conservation of human resources. No question in any examination shall relate to political or religious opinions or affiliations. The examination shall be conducted and controlled by the Director of Personnel.”

Said ordinance of the City of Memphis was adopted on the [31st] day of [August], 1982, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, so as to revise Article 34.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 2nd day of November, 1982, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence, or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

J. O. PATTERSON, JR.
Chairman of Council

Attest:
ROBERT TAMBOLI, Comptroller

ORDINANCE NO. 3236

**[DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES NOT OTHERWISE COVERED BY
ORDINANCE NO. 2766]***

*Cross reference—Ordinance No. 2766 is set out in these home rule amendments beginning on page HRA-69.

Adopted.....August 31, 1982
Referendum Election.....November 2, 1982

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS ADMENDED [AMENDED], PURSUANT [TO] THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROVIDE FOR DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES OF ANY DIVISION, AGENCY, BOARD, COMMISSION OR AUTHORITY OF THE CITY OF MEMPHIS NOT OTHERWISE COVERED BY ORDINANCE NUMBER 2766 ADOPTED ON NOVEMBER 7, 1978, INCLUDING ANY JOINT BODY WITH ANY OTHER GOVERNMENTAL UNIT WHICH JOINT BODY IS ADMINISTERED BY THE CITY OF MEMPHIS, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 2, 1982.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That, pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 2, 1982, and which shall be held at least sixty (60) days after such publication.

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by including a “Disciplinary Action Against Striking Employees of Divisions, Agencies, Boards, Commissions, or Authorities” section, to read as follows:

“Whereas the people of the City of Memphis desire that all negotiation of employment agreements between the City of Memphis and its employees be conducted in a spirit of good faith and with the intent to reach an equitable agreement in a reasonable period of time, and the people of the City of Memphis hereby find that the instigation of or participation in strikes against said city by an officer or employee of said city constitutes a serious threat to lives, property and welfare of the citizens of said city and hereby declare as follows:

“(1) The City Council shall, by ordinance, set up procedures for arbitration of economic issues of municipal labor disputes by the Council or a Committee of the Council, and establish rules and procedure therefor, provided, however, neither the Council or any Committee thereof shall engage in arbitration of economic issues of municipal labor disputes unless and until there has occurred an impasse on a total economic package which impasse remains deadlocked for seven (7) consecutive days.

“(2) As used in this section the word “strike” shall mean the willful failure to report for duty, the willful absence from one’s position, any concerted stoppage or slowdown of work, any concerted interruption of operations of services by employees, or the willful abstinence in whole or in part from the full [,] faithful and proper performance of the duties of employment, provided, however, that nothing contained in this section shall be construed to limit, impair or affect the right of any municipal employee to express or communicate a view, grievance, complaint, or opinion or any matter related to the conditions or compensation of municipal employment, or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment.

“(3) In addition to those persons defined as municipal employees in Ordinance Number 2766 approved by referendum election on November 7, 1978, any person employed by any Division, Agency, Board, Commission, or Authority of the City of Memphis including any joint body with any other governmental unit which joint body is administered by the City of Memphis are here and after referred to as municipal employees and no person holding a position by appointment or employment in said organizations shall strike nor shall any municipal employee cause, instigate, or afford leadership to a strike against the City of Memphis. For the purpose of this section, any municipal employee who willfully fails to report for duty, is willfully absent from his or her position, willfully engages in a work stoppage or slowdown, willfully interrupts city operations or services, or in any way willfully abstains in whole or in part from the full, faithful, and proper performance of the duties of his or her employment because such municipal employee is “honoring” a strike, shall be deemed to be on strike. Any municipal employee who participates in a strike as herein defined shall be conclusively deemed to have resigned his appointment or employment with the City; provided, however, nothing herein shall infringe upon any individual’s rights under the Civil Service provisions of this Charter. For the purposes of this Section, the members of the Civil Service Board are hereby established as a special hearing Board of the City of Memphis for the purpose of hearing appeals of employees not covered by civil service or grievance procedure and determining if a strike occurred and if petitioner before the Board participated in such strike.

“(4) No person exercising any authority, supervision, or direction over any municipal employee shall have the power to authorize, approve, or consent to a strike by any one or more municipal employees, and such person shall not authorize, approve, or consent to such strike by any one or more municipal employees, and such person shall not authorize, approve, or consent to such strike. No Officer, Division, Agency, Board, Commission, Authority or Committee of the City of Memphis shall have the power to grant amnesty to any person who has violated any of the provisions of this section, and such officer or bodies shall not grant amnesty to any person who has violated any of the provisions of this section.

“(5) Notwithstanding any other provisions [provisions] of law, a person violating any of the provisions of this section may subsequent to such violation be appointed or reappointed, employed or re-employed as a municipal employee of the City of Memphis but only on the following conditions:

“(a) Such person shall be appointed or reappointed, employed or re-employed as a new appointee or employee, who is appointed or re-employed in accordance with all charter provisions, ordinances, rules or regulations of said city in effect for new employees at the time of appointment, reappointment, employment, or re-employment;

“(b) The compensation of such person shall not be increased by virtue of any previous employment with said city.

“(6) In order to bring the provisions of this section to the attention of any person who may be affected thereby, each municipal employee on the effective date of this section, and each person appointed or employed as a municipal employee pursuant to the civil service provisions of this Charter, on or after the effective date of this section shall be furnished a copy of this section and shall acknowledge such receipt in writing. The signed, written receipt shall be filed in the office of the Civil Service Commission and maintained therein for the term of his or her employment with the City of Memphis.

“(7) If any clause, sentence, paragraph, subsection, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, or part thereof directly involved in the controversy in which such judgment shall have been rendered.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 2, 1982, and request that this proposed amendment to the Home Rule charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 1982:

REFERENDUM ON HOME RULE AMENDMENT TO CHARTER OF THE CITY OF MEMPHIS RELATING TO DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES

An Ordinance of the City of Memphis adopted on the 31st day of August, 1982, providing for disciplinary action against striking employees of Divisions, Agencies, Boards, Commissions, or Authorities of the City of Memphis.

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified votes voting thereon in an election to be held on the 2nd day of November, 1982, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis the result of said election, who shall see that said results are made a part of the minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence, or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

J. O. Patterson, Jr.
Chairman of Council

ATTEST:

Robert Tamboli, Comptroller

ORDINANCE NO. 3286*

[RESIDENCE REQUIREMENTS OF CERTAIN CITY EMPLOYEES (§ 190)]

***Editor's note**—Ordinance No. 3286, as amended, was republished as Ordinance No. 3400.

Adopted (As Amended) March 29, 1983
Referendum Election.....November 6, 1984

Republished after Third and Final Reading, Pursuant to State Law

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), TO REQUIRE CERTAIN APPOINTED EMPLOYEES TO LIVE WITHIN THE BOUNDARIES OF THE CITY OF MEMPHIS; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE GENERAL STATE ELECTION TO BE HELD NOVEMBER 6, 1984.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of said City consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 6, 1984, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended to require certain appointed, non-Civil Service employees to live within the boundaries of the City of Memphis, by adding the following language to the present Section 190?

"Section 1. The present Section 190 of the Charter of the City of Memphis shall be amended by designating the present Section 190 subsection "(a)."

"Section 2. The present Section 190 of the Charter of the City of Memphis shall be amending by adding a comma and the following language after the words "hereafter defined":

"except as provided in paragraph (b) below and"

“Section 3. The present Section 190 of the Charter of the City of Memphis shall be amended by deleting from the present section the words “board of commissioners of the City of Memphis” and by substituting therefor the words “City Council.”

“Section 4. The present Section 190 of the Charter of the City of Memphis shall be amended by adding a new subsection to be designated subsection “(b)” and to read as follows:

“(b) From and after the effective date of this amending ordinance all appointed employees not within the protection of the Civil Service article shall be required to live and maintain a residence within the boundaries of the City of Memphis as now defined or as may be hereafter defined; such appointed employees shall include, but not be limited to, the following specific groups:

- a. Division directors who are appointed by the Mayor and Council;*
- b. All employees of the legal department;*
- c. All staff employees of the Mayor and Chief Administrative Office;*
- d. Executive secretaries to the various boards, commissions, division directors, and to the administrative judge of the city court;*
- e. All employees of the City Council Office.*

“Additionally, all members of the various City of Memphis boards and commissions, excluding joint city-county boards and commissions, shall be required to live and maintain a residence within the limits of the City of Memphis, as now defined or as may be hereafter defined, except that county residents may become members of the Board of Trustees of the Memphis Brooks Museum of Art.

“Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from City employment, except that no individual employed by the City as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six months after the date they are hired or appointed to comply with this section.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general state election on November 6, 1984, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 6th day of November, 1984:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY AMENDING THE PRESENT SECTION 190 TO REQUIRE CERTAIN APPOINTED, NON-CIVIL SERVICE EMPLOYEES TO LIVE WITHIN THE BOUNDARIES OF THE CITY OF MEMPHIS:

Said ordinance of the City of Memphis was adopted on the 29th day of March, 1983, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, so as to amend Section 190.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 6th day of November, 1984, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence, or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

BILLY HYMAN
Chairman of Council

Attest:
Robert Tamboli, Comptroller

ORDINANCE NO. 3294

[REIMBURSEMENT OF TAXES PAID ERRONEOUSLY (§ 771)]

Adopted..... June 14, 1983
Referendum Election.....November 6, 1984

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND SECTION 771 TO ALLOW REIMBURSEMENTS OR REFUND OF TAXES PAID IN ERROR; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 6, 1984.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1. Question for voters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Section 9, Article 11 of the Constitution of the State of Tennessee (Home Rule Amendment), the following proposal shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 6, 1984, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by deleting the present Section 771, in its entirety and substituting a new Section 771, to read as follows:

“Section 771. Reimbursement of taxes generally.

The Council of the City of Memphis, or a majority thereof, upon undoubted proof to be filed and established, may audit the claim, and, at their option, reimburse or pay any person or citizen who may have erroneously or wrongfully paid taxes into the city treasury, for any cause whatever; and where money is or was due, but withheld owing to dispute, or to any uncertainty as to the justice of the demand or claim of same, they may return or pay it to the proper persons, the action of said council, or a majority thereof, in the premises, to be final adjudication in the matter. The said reimbursements or payments shall be paid out of the current fund of the department which may have received the benefit of such payment or claim, or out of any unappropriated moneys that may be in the city treasury; provided said application is made within five (5) years after the earlier of the date said taxes are delinquent or the date upon which they are paid.”

Section 2. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 6, 1984, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal, in the following form of preference, to be placed on the ballot in an election to be held on the 6th day of November, 1984:

REFERENDUM ON HOME RULE AMENDMENT OF THE CHARTER OF THE CITY OF MEMPHIS, BY AMENDING SECTION 771 TO ALLOW REIMBURSEMENTS OR REFUND OF TAXES PAID IN ERROR, WHICH SHALL READ AS FOLLOWS:

Section 771. Reimbursement of Taxes Generally.

The Council of the City of Memphis, or a majority thereof, upon undoubted proof to be filed and established, may audit the claim, and, at their option, reimburse or pay any person or citizen who may have erroneously or wrongfully paid taxes into the city treasury, for any cause whatever; and where money is or was due, but withheld

owing to dispute, or to any uncertainty as to the justice of the demand or claim of same, they may return or pay it to the proper persons, the action of said council, or a majority thereof, in the premises, to be a final adjudication in the matter. The said reimbursements or payments shall be paid out of the current fund of the department which may have received the benefit of such payment or claim, or out of any unappropriated moneys that may be in the city treasury.

An Ordinance of the City of Memphis is adopted on the [14th] day of [June], 1983, providing for a referendum on a Home Rule Amendment to the Charter of said City so as to amend Section 771, relating to reimbursements or refund of taxes paid in error.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 6th of November, 1984, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, the result of said election who shall see that said results are made a part of the minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

BILLY HYMAN
Chairman of Council

Attest:
Robert Tamboli
Comptroller

ORDINANCE NO. 3400*

[RESIDENCE REQUIREMENTS OF CERTAIN CITY EMPLOYEES (§ 190)]

***Editor's note**—Ordinance No. 3400 is the republication of Ord. No. 3286, as amended.

Adopted.....August 28, 1984
Referendum Election.....November 6, 1984

Republished after Third and Final Reading, Pursuant to State Law

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), TO REQUIRE CERTAIN APPOINTED EMPLOYEES TO LIVE WITHIN THE BOUNDARIES OF THE CITY OF MEMPHIS; AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE GENERAL STATE ELECTION TO BE HELD NOVEMBER 6, 1984.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Memphis, That the present Charter of said City consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 6, 1984, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended to require certain appointed, non-Civil Service employees to live within the boundaries of the City of Memphis, by adding the following language to the present Section 190?

“Section 1. The present Section 190 of the Charter of the City of Memphis shall be amended by designating the present Section 190 subsection “(a).”

“Section 2. The present Section 190 of the Charter of the City of Memphis shall be amending by adding a comma and the following language after the words “hereafter defined”:

“except as provided in paragraph (b) below and”

“Section 3. The present Section 190 of the Charter of the City of Memphis shall be amended by deleting from the present section the words “board of commissioners of the City of Memphis” and by substituting therefor the words “City Council.”

“Section 4. The present Section 190 of the Charter of the City of Memphis shall be amended by adding a new subsection to be designated subsection “(b)” and to read as follows:

“(b) From and after the effective date of this amending ordinance all appointed employees not within the protection of the Civil Service article shall be required to live and maintain a residence within the boundaries of the City of Memphis as now defined or as may be hereafter defined; such appointed employees shall include, but not be limited to, the following specific groups:

- a. Division directors who are appointed by the Mayor and Council;
- b. All employees of the legal department;
- c. All staff employees of the Mayor and Chief Administrative Office;
- d. Executive secretaries to the various boards, commissions, division directors, and to the administrative judge of the city court;
- e. All employees of the City Council Office.

“Additionally, all members of the various City of Memphis boards and commissions, excluding joint city-county boards and commissions, shall be required to live and maintain a residence within the limits of the City of Memphis, as now defined or as may be hereafter defined, except that county residents may become members of the Board of Trustees of the Memphis Brooks Museum of Art.

“Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from City employment, except that no individual employed by the City as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six months after the date they are hired or appointed to comply with this section.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general state election on November 6, 1984, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 6th day of November, 1984:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY AMENDING THE PRESENT SECTION 190 TO REQUIRE CERTAIN APPOINTED, NON-CIVIL SERVICE EMPLOYEES TO LIVE WITHIN THE BOUNDARIES OF THE CITY OF MEMPHIS:

Said ordinance of the City of Memphis was adopted on the 29th day of March, 1983, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, so as to amend Section 190.

FOR (YES) _____

AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 6th day of November, 1984, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence, or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

BILLY HYMAN
Chairman of Council

Attest:
Robert Tamboli, Comptroller

ORDINANCE NO. 3667

[PARI-MUTUEL WAGERING WITHIN THE CITY]

Adopted..... May 26, 1987
Referendum Election..... October 8, 1987

AN ORDINANCE TO CALL REFERENDUM PURSUANT TO RACING CONTROL ACT OF 1987, SO AS TO PROVIDE LEGAL RESIDENTS OF THE CITY OF MEMPHIS THE OPPORTUNITY TO DETERMINE WHETHER PARI-MUTUEL WAGERING SHALL BE PERMITTED WITHIN SAID MUNICIPALITY.

WHEREAS, the State of Tennessee enacted the Racing Control Act of 1987, providing that any municipality with a population greater than one hundred thousand (100,000) according to the 1980 Federal census or any subsequent Federal census may, by referendum, submit to its legal residents the question of whether pari-mutuel wagering shall be permitted within said municipality; and

WHEREAS, said referendum may be placed upon the ballot at a special election or at the next regularly scheduled municipality-wide general election; and

WHEREAS, a municipality-wide general election for the City of Memphis is scheduled for October 8, 1987, for which the City Council desires to extend to the legal residents the opportunity to vote upon such matter.

Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that not later than sixty (60) days prior to the next regularly scheduled municipality-wide election of October 8, 1987, the Comptroller shall certify the adoption of this ordinance to the Shelby County Election Commission in charge of holding elections, and request that the following proposed referendum be placed on the ballot:

QUESTION:

PURSUANT TO SECTION 32 OF THE RACING CONTROL ACT OF 1987,

“Shall the City of Memphis, Tennessee permit pari-mutuel wagering on horse racing?

Yes—For _____ No—Against _____.”

Section 2. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis the results of said election, who shall see that said results are made a part of the Minutes of the Council of the City of Memphis.

Section 3. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

MICHAEL A. HOOKS
Chairman of Council

ATTEST:
DANNY N. WRAY, Comptroller

ORDINANCE NO. 3793

**[CONSOLIDATION OF MEMPHIS HOUSING AUTHORITY AND SHELBY COUNTY HOUSING
AUTHORITY (§§ 901, 907)]**

Adopted.....August 9, 1988
Referendum Election.....November 8, 1988

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO EXPAND DUTIES OF THE HOUSING AUTHORITY UNDER MEMPHIS HOUSING AUTHORITY LAW AND TO CLARIFY PROVISIONS AND APPLICABILITY THEREOF; AND TO SUBMIT PROPOSED ORDINANCE TO

QUALIFIED VOTERS OF CITY OF MEMPHIS AT THE GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 1988.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that pursuant to Section 9, Article XI, of the Constitution of the State of Tennessee, as amended, the following proposal shall be published and submitted by the City of Memphis, to its qualified voters at the general State Election, which shall be held in the City of Memphis on November 8, 1988, and which shall be held at least sixty (60) days after such publication.

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by revising and clarifying Sections 901 and 907 of the Memphis Charter (such Sections being part of the "Memphis Housing Authority Law" as so referred to in such Charter) in the following respects:

1. By revising Section 901, to hereafter read as follows:

Section 901. Boundaries of authority.

A. *City of Memphis.* The boundaries of the Authority shall include all territory within the corporate limits of the City of Memphis.

B. *Shelby County.*

(a) Upon adoption of an ordinance by the Shelby County Board of Commissioners as provided in paragraph (b) below, the Authority is authorized and empowered to exercise and operate its governmental or corporate activities or functions for and on behalf of Shelby County and within the boundaries thereof outside the City of Memphis, provided, however, that the Authority shall not be authorized to exercise its powers or functions in any city or municipality other than the City of Memphis located within the boundaries of Shelby County unless an ordinance declaring that there is a need for the Authority to exercise its powers within such city or municipality and containing similar provisions as those applicable to Shelby County in paragraph (b) below shall have been adopted by the governing body of such city or municipality, such governing body to then have the same rights and privileges as to its community as the other governing bodies are granted in sub-paragraph (b)(6) below and the Authority to then be authorized to exercise and operate its governmental and corporate activities for such city or municipality.

(b) Upon adoption of an ordinance by the Shelby County Board of Commissioners declaring that there is a need for only one Housing Authority to operate in Memphis and Shelby County, that the Authority (Memphis Housing Authority) is designated as the Housing Authority to so operate, that such Authority is delegated and granted all the necessary and convenient powers and attributes of the County to carry on and exercise any and all functions of a Housing Authority in this State for public purposes and in the public interest as permitted and allowed under the Housing Authority law and under the Charter of the City of Memphis, and that the provisions and action set forth below in sub-paragraphs (1) through (6) and Section 907 of the Charter of the City of Memphis as hereafter clarified are approved and adopted by the Shelby County Board of Commissioners, the Authority shall be deemed authorized and empowered as provided in paragraph (a) above to exercise and operate its governmental and corporate activities for and on behalf of Shelby County and within its boundaries outside the City of Memphis and outside the boundaries of other cities and municipalities located in Shelby County, and the following provisions shall be in force and effect:

(1) That the Shelby County Housing Authority is directed to transfer all of its property (real, personal, mixed or of whatever kind or character) and to assign all its contracts, choses in action, and rights of any other kind or character to the Authority, which shall be accomplished with reasonable expedition, provided that, if there are any bonds and notes outstanding against Shelby County Housing Authority, the holders

thereof shall first consent in writing to the substitution of the Authority in lieu of Shelby County Housing Authority on all such bonds or notes.

(2) That the Authority shall be responsible for all debts, liabilities, and obligations of the Shelby County Housing Authority.

(3) That the Authority shall commence its functions on behalf of Shelby County with reasonable expedition.

(4) The Shelby County Housing Authority shall be deemed dissolved upon compliance with the provisions of sub-paragraph (2) above.

(5) The cooperation agreement now in existence between Shelby County and the Shelby County Housing Authority shall be deemed to continue in effect as between the Authority and Shelby County, with the Authority succeeding to the rights of the Shelby County Housing Authority under such cooperation agreement.

(6) That whenever a public hearing is required by Section 13-20-104 of the Tennessee Code Annotated, such public hearing shall be held by the Shelby County Board of Commissioners when the proposed project is located outside the City of Memphis and by the City Council of the City of Memphis when the proposed project is located in such city, the Shelby County Board of Commissioners being authorized to approve public housing project plans located in the County outside of the City of Memphis and the City Council of the City of Memphis being authorized to approve public housing plans located in the City of Memphis.

2. By adding to the end of Section 907, the following paragraph:

In addition to its rights, powers and privileges granted to the Authority in this section and in other sections of this Article and elsewhere, the Authority is granted the rights, powers, privileges, immunities, and limitations of a housing authority organized in accordance with the provisions of the "Housing Authority Law" of the State of Tennessee (to-wit: Sections 13-20-101 et seq., of the Tennessee Code Annotated) that such law presently grants to such Housing Authorities and that such law may hereafter grant to Housing Authorities by amendment thereto, it being further clarified and provided that the Authority is a governmental entity under Section 29-20-101 et seq., of the Tennessee Code Annotated and is governed by the provisions of such statute and that the immunities provided commissioners, supervisors, and employees under Sections 29-20-201 and 29-20-310 of the Tennessee Code apply to the commissioners, supervisors and employees of the Authority.

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that [the] Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Committee in charge of holding the general state election on November 8, 1988, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that [the] Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 8th day of November, 1988:

EXPAND DUTIES OF THE HOUSING AUTHORITY UNDER MEMPHIS HOUSING AUTHORITY LAW AND TO CLARIFY PROVISIONS AND APPLICABILITY THEREOF.

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY AMENDING CHARTER SECTIONS 901 AND 907, SO THAT SAID SECTIONS SHALL READ AS FOLLOWS:

1. By revising Section 901, to hereafter read as follows:

Section 901. Boundaries of authority.

A. *City of Memphis.* The boundaries of the Authority shall include all territory within the corporate limits of the City of Memphis.

B. *Shelby County.*

(a) Upon adoption of an ordinance by the Shelby County Board of Commissioners as provided in paragraph (b) below, the Authority is authorized and empowered to exercise and operate its governmental or corporate activities or functions for and on behalf of Shelby County and within the boundaries thereof outside the City of Memphis, provided, however, that the Authority shall not be authorized to exercise its powers or functions in any city or municipality other than the City of Memphis located within the boundaries of Shelby County unless an ordinance declaring that there is a need for the Authority to exercise its powers within such city or municipality and containing similar provisions as those applicable to Shelby County in paragraph (b) below shall have been adopted by the governing body of such city or municipality, such governing body to then have the same rights and privileges as to its community as the other governing bodies are granted in subparagraph (b)(6) below and the Authority to then be deemed authorized to exercise and operate its governmental and corporate activities for such city or municipality.

(b) Upon adoption of an ordinance by the Shelby County Board of Commissioners declaring that there is a need for only one Housing Authority to operate in Memphis and Shelby County, that the Authority (Memphis Housing Authority) is designated as the Housing Authority to so operate, that such Authority is delegated and granted all the necessary and convenient powers and attributes of the County to carry on and exercise any and all functions of a Housing Authority in this State for public purposes and in the public interest as permitted and allowed under the Housing Authority law and under the Charter of the City of Memphis, and that the provisions and action set forth below in subparagraphs (1) through (6) and Section 907 of the Charter of the City of Memphis as hereafter clarified are approved and adopted by the Shelby County Board of Commissioners, the Authority shall be deemed authorized and empowered as provided in paragraph (a) above to exercise and operate its governmental and corporate activities for and on behalf of Shelby County and within its boundaries outside the City of Memphis and outside the boundaries of other cities and municipalities located in Shelby County, and the following provisions shall be in force and effect:

(1) That the Shelby County Housing Authority is directed to transfer all of its property (real, personal, mixed or of whatever kind or character) and to assign all its contracts, choses in action, and rights of any other kind or character to the Authority, which shall be accomplished with reasonable expedition, provided that, if there are any bonds and notes outstanding against Shelby County Housing Authority, the holders thereof shall first consent in writing to the substitution of the Authority in lieu of Shelby County Housing Authority on all such bonds or notes.

(2) That the Authority shall be responsible for all debts, liabilities, and obligations of the Shelby County Housing Authority.

(3) That the Authority shall commence its functions on behalf of Shelby County with reasonable expedition.

(4) The Shelby County Housing Authority shall be deemed dissolved upon compliance with the provisions of sub-paragraph (2) above.

(5) The cooperation agreement now in existence between Shelby County and the Shelby County Housing Authority shall be deemed to continue in effect as between the Authority and Shelby County,

with the Authority succeeding to the rights of the Shelby County Housing Authority under such cooperation agreement.

(6) That whenever a public hearing is required by Section 13-20-104 of the Tennessee Code Annotated, such public hearing shall be held by the Shelby County Board of Commissioners when the proposed project is located outside the City of Memphis and by the City Council of the City of Memphis when the proposed project is located in such city, the Shelby County Board of Commissioners being authorized to approve public housing project plans located in the County outside of the City of Memphis and the City Council of the City of Memphis being authorized to approve public housing plans located in the City of Memphis.

2. By adding to the end of Section 907, the following paragraph:

In addition to its rights, powers and privileges granted to the Authority in this section and in other sections of this Article and elsewhere, the Authority is granted the rights, powers, privileges, immunities, and limitations of a housing authority organized in accordance with the provisions of the "Housing Authority Law" of the State of Tennessee (to-wit: Sections 13-20-101 et seq., of the Tennessee Code Annotated) that such law presently grants to such Housing Authorities and that such law may hereafter grant to Housing Authorities by amendment thereto, it being further clarified and provided that the Authority is a governmental entity under Section 29-20-101 et seq., of the Tennessee Code Annotated and is governed by the provisions of such statute and that the immunities provided commissioners, supervisors, and employees under Sections 29-20-201 and 29-20-310 of the Tennessee Code apply to the commissioners, supervisors and employees of the Authority.

An ordinance of the City of Memphis was adopted on the 9th day of August, 1988, providing for a referendum on a Home Rule Amendment to the Charter of said City so as to change Sections 901 and 907.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 8th day of November, 1986, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, the results of said election who shall see that said results are made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis not in conflict with the amendatory Home Rule Ordinance be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

MICHAEL HOOKS
Chairman of Council

ATTEST:
DANNY N. WRAY, Comptroller

ORDINANCE NO. 3796

[PAYMENT OF SALARY TO DISABLED EMPLOYEES (§ 188)]

Adopted.....August 9, 1988
Referendum Election.....November 8, 1988

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO DELETE THE PROVISION REQUIRING THE PAYMENT OF SALARY TO DISABLED EMPLOYEES AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 1988.

WHEREAS, Chapter 489 of the Private Acts of 1937 amending the Charter of the City of Memphis provides the City in its discretion may pay certain employees disabled by reason of illness or injury sustained while in the performance of their duties no more than fifty percent (50%) of the salary of such employee at the time of disability; and

WHEREAS, since the passage of said amendment the City of Memphis has adopted a pension system which provides for disability payments in line of duty and certain employees are covered by Social Security which provides for disability payments; and

WHEREAS, while the County does request the administration to investigate and present for consideration other measures to provide for disability income, it is considered in the best interest of the City to repeal and Section 188 of the Charter.

Section 1.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of the City of Memphis consisting of the provisions of the Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 8, 1988, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended, by deleting the provisions of Chapter 489 of the Private Acts of 1937, codified as Section 188 of the Memphis City Charter relating to the payment of

salaries to employees disabled in line of duty of up to fifty percent (50%) of the salary paid such employee at the time of said disability?

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause the proposal (Ordinance) to be published pursuant to provision of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adopting of this Ordinance to the Shelby County Election Commission in charge of holding the general state election to November 8, 1988, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 8th day of November, 1988;

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY DELETING THE PROVISIONS OF THE PRESENT SECTION 188 RELATING TO THE PAYMENT OF SALARY TO EMPLOYEES DISABLED IN LINE OF DUTY OF UP TO FIFTY PERCENT (50%) OF THE SALARY AT TIME OF DISABILITY

Said ordinance of the City of Memphis was adopted on the 9th day of August, 1988, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, so as to delete Section 188.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 8th day of November, 1988, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effective, and all laws conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remained of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

MICHAEL A. HOOKS
Chairman of Council

ATTEST:
DANNY N. WRAY, Comptroller

ORDINANCE NO. 4050

[RE-DISTRICTING THE SEVEN DISTRICTS]

Adopted..... June 25, 1991

AN ORDINANCE TO AMEND SECTION ONE (1) OF THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, ORDINANCE NO. 1852, AND ADOPTED AT AN ELECTION HELD NOVEMBER 8, 1966, AS AMENDED, BY RE-DISTRICTING THE SEVEN (7) DISTRICTS SET FORTH IN SECTION ONE OF SAID ORDINANCE, AS AMENDED.

WHEREAS, Section 3 of the Home Rule Charter of the City of Memphis provides that the seven (7) Council districts shall be re-districted after each Decennial Census.

Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Section 1 of the Home Rule Charter of the City of Memphis, being Ordinance No. 1852 and adopted at an election November 8, 1966, as amended, be further amended by striking the list of wards set forth in each of the seven (7) Districts described in Section 1, as amended, and substituting in lieu thereof new Wards assigned to Districts as follows:

DISTRICT ONE (1) shall be and is composed of the areas encompassed by the following Wards:

Ward 53	Precinct 3
Ward 69	Precinct 1
Ward 69	Precinct 2
Ward 69	Precinct 3
Ward 70	Precinct 1
Ward 70	Precinct 2
Ward 70	Precinct 3
Ward 71	Precinct 1
Ward 71	Precinct 2
Ward 71	Precinct 3
Ward 71	Precinct 4
Ward 72	Precinct 1
Ward 72	Precinct 2
Ward 72	Precinct 3
Ward 72	Precinct 4
Ward 72	Precinct 5
Ward 72	Precinct 6

Ward 72	Precinct 7
Ward 83	
Ward 84	Precinct 1
Ward 84	Precinct 2
Ward 85	Precinct 1
Ward 85	Precinct 2
Ward 86	
Ward 87	Precinct 1
Ward 87	Precinct 2
Ward 87	Precinct 3
Ward 88	Precinct 1
Ward 88	Precinct 2
Ward 88	Precinct 4
Ward 90	Precinct 1
Ward 90	Precinct 2
Ward 90	Precinct 3
Ward 90	Precinct 4.

DISTRICT TWO (2) shall be and is composed of the areas encompassed by the following Wards:

Ward 55	Precinct 2
Ward 56	Precinct 2
Ward 64	Precinct 1
Ward 64	Precinct 2
Ward 65	Precinct 2
Ward 66	Precinct 2
Ward 67	Precinct 1
Ward 67	Precinct 2
Ward 67	Precinct 3
Ward 68	Precinct 1
Ward 68	Precinct 2
Ward 68	Precinct 3
Ward 74	Precinct 1
Ward 74	Precinct 5
Ward 74	Precinct 6
Ward 74	Precinct 7
Ward 74	Precinct 8
Ward 80	Precinct 1
Ward 80	Precinct 2
Ward 81	Precinct 1
Ward 81	Precinct 2
Ward 81	Precinct 3
Ward 81	Precinct 4
Ward 81	Precinct 5
Ward 81	Precinct 6
Ward 81	Precinct 7
Ward 88	Precinct 3
Ward 89	Precinct 1
Ward 89	Precinct 2
Ward 91	Precinct 1
Ward 91	Precinct 2

Ward 91 Precinct 3.

DISTRICT THREE (3) shall be and is composed of the areas encompassed by the following Wards:

Ward 60	Precinct 5
Ward 60	Precinct 7
Ward 73	Precinct 4
Ward 73	Precinct 6
Ward 73	Precinct 8
Ward 73	Precinct 9
Ward 74	Precinct 2
Ward 74	Precinct 3
Ward 74	Precinct 4
Ward 74	Precinct 9
Ward 76	Precinct 2
Ward 76	Precinct 3
Ward 76	Precinct 5
Ward 76	Precinct 6
Ward 77	Precinct 1
Ward 77	Precinct 2
Ward 77	Precinct 3
Ward 78	Precinct 1
Ward 78	Precinct 2
Ward 78	Precinct 3
Ward 78	Precinct 4
Ward 78	Precinct 5
Ward 79	Precinct 1
Ward 79	Precinct 2
Ward 79	Precinct 3
Ward 79	Precinct 4
Ward 79	Precinct 5
Ward 79	Precinct 6
Ward 79	Precinct 7
Ward 79	Precinct 8
Ward 79	Precinct 9.

DISTRICT FOUR (4) shall be and is composed of the areas encompassed by the following Wards:

Ward 29	Precinct 1
Ward 29	Precinct 2
Ward 31	Precinct 1
Ward 31	Precinct 2
Ward 31	Precinct 3
Ward 31	Precinct 4
Ward 45	Precinct 2
Ward 47	Precinct 1
Ward 47	Precinct 2
Ward 47	Precinct 3
Ward 58	Precinct 1
Ward 58	Precinct 2
Ward 58	Precinct 3

Ward 58	Precinct 4
Ward 58	Precinct 5
Ward 59	Precinct 1
Ward 59	Precinct 2
Ward 59	Precinct 3
Ward 59	Precinct 4
Ward 59	Precinct 5
Ward 60	Precinct 2
Ward 60	Precinct 6
Ward 60	Precinct 9
Ward 61	Precinct 1
Ward 61	Precinct 2
Ward 65	Precinct 1
Ward 66	Precinct 1
Ward 66	Precinct 3
Ward 73	Precinct 1
Ward 73	Precinct 2
Ward 73	Precinct 3
Ward 73	Precinct 5
Ward 73	Precinct 7.

DISTRICT FIVE (5) shall be and is composed of the areas encompassed by the following Wards:

Ward 16	Precinct 1
Ward 16	Precinct 2
Ward 17	Precinct 1
Ward 17	Precinct 2
Ward 20	Precinct 1
Ward 20	Precinct 2
Ward 28	Precinct 1
Ward 28	Precinct 2
Ward 30	
Ward 33	
Ward 36	Precinct 1
Ward 36	Precinct 3
Ward 37	
Ward 38	Precinct 1
Ward 38	Precinct 2
Ward 38	Precinct 3
Ward 43	Precinct 1
Ward 44	Precinct 1
Ward 44	Precinct 2
Ward 44	Precinct 3
Ward 44	Precinct 4
Ward 44	Precinct 5
Ward 45	Precinct 1
Ward 45	Precinct 3
Ward 45	Precinct 4
Ward 46	Precinct 1
Ward 46	Precinct 2
Ward 46	Precinct 3

Ward 52	Precinct 2
Ward 52	Precinct 3
Ward 53	Precinct 1
Ward 53	Precinct 2
Ward 54	Precinct 1
Ward 54	Precinct 2
Ward 55	Precinct 1
Ward 56	Precinct 1
Ward 57	
Ward 63	Precinct 1
Ward 63	Precinct 2.

DISTRICT SIX (6) shall be and is composed of the areas encompassed by the following Wards:

Ward 12	
Ward 13	Precinct 1
Ward 13	Precinct 2
Ward 13	Precinct 3
Ward 14	Precinct 2
Ward 25	Precinct 2
Ward 25	Precinct 3
Ward 25	Precinct 4
Ward 26	Precinct 1
Ward 26	Precinct 2
Ward 34	Precinct 1
Ward 34	Precinct 2
Ward 35	Precinct 1
Ward 35	Precinct 2
Ward 35	Precinct 3
Ward 48	
Ward 49	Precinct 1
Ward 49	Precinct 2
Ward 49	Precinct 3
Ward 50	Precinct 1
Ward 50	Precinct 2
Ward 60	Precinct 1
Ward 60	Precinct 3
Ward 60	Precinct 4
Ward 60	Precinct 8
Ward 75	Precinct 1
Ward 75	Precinct 2
Ward 75	Precinct 3
Ward 75	Precinct 4
Ward 75	Precinct 5
Ward 75	Precinct 6
Ward 75	Precinct 7
Ward 75	Precinct 8
Ward 75	Precinct 9
Ward 75	Precinct 10
Ward 75	Precinct 11
Ward 75	Precinct 12

Ward 76	Precinct 1
Ward 76	Precinct 4
Ward 82	Precinct 1
Ward 82	Precinct 2
Ward 82	Precinct 3.

DISTRICT SEVEN (7) shall be and is composed of the areas encompassed by the following Wards:

Ward 1	
Ward 2	
Ward 7	
Ward 11	Precinct 1
Ward 11	Precinct 2
Ward 14	Precinct 1
Ward 15	
Ward 16	Precinct 3
Ward 18	
Ward 20	Precinct 3
Ward 21	Precinct 1
Ward 21	Precinct 2
Ward 21	Precinct 3
Ward 22	
Ward 25	Precinct 1
Ward 27	Precinct 1
Ward 27	Precinct 2
Ward 27	Precinct 3
Ward 32	Precinct 1
Ward 32	Precinct 2
Ward 36	Precinct 2
Ward 39	
Ward 40	Precinct 1
Ward 40	Precinct 2
Ward 41	Precinct 1
Ward 41	Precinct 2
Ward 41	Precinct 3
Ward 42	Precinct 1
Ward 42	Precinct 2
Ward 42	Precinct 3
Ward 43	Precinct 2
Ward 51	
Ward 52	Precinct 1
Ward 62	Precinct 1
Ward 62	Precinct 2.

Reference is made to the Memphis Municipal Code, as amended, and to the official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts one (1) through seven (7). Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners, Shelby County, Tennessee, for resolutions establishing precinct lines. A map describing said Districts is filed with the Comptroller of the City of Memphis.

Section 2. [Enactment of city ordinance.]

BE IT FURTHER ORDAINED, that this Ordinance take effect and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

/s/ TOM MARSHALL
Chairman of Council

Attest:

/s/ Danny N. Wray
Comptroller

ORDINANCE NO. 4274

[AUTHORIZES COUNCIL TO ESTABLISH MEETING DAYS]

Adopted..... September 6, 1994

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PARTICULARLY SECTION 1 OF THE HOME RULE AMENDMENT ADOPTED NOVEMBER 8, 1966, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND SAID SECTION 1 RELATING TO THE LEGISLATIVE COUNCIL TO ADD A PROVISION AUTHORIZING THE COUNCIL OF THE CITY OF MEMPHIS TO ESTABLISH BY ORDINANCE THE TUESDAYS OF EVERY MONTH ON WHICH THE COUNCIL SHALL MEET PROVIDED THAT THE COUNCIL SHALL MEET NOT LESS OFTEN THAN TWICE EACH MONTH AND TO AUTHORIZE THE COUNCIL TO ESTABLISH THE TIME AND PLACE OF SUCH MEETINGS BY RESOLUTION AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 1994.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the present Charter of said City consisting of the provisions of the Act of the State of Tennessee for the year 1909, as amended, particularly Section 1 of the Home Rule Amendment adopted November 8, 1966, pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 8, 1994, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by adding the following provisions to read as follows: "The Council of the City of Memphis is authorized to establish by ordinance the Tuesdays of every month on which the Council shall meet, provided that the Council shall meet not less often than twice each month. The meetings shall be held at 4:30 o'clock in the afternoon, at the place provided for such meeting, or at such other time on Tuesday and at such other place as the Council so designates by resolution; provided, however, that no meeting shall be held at other than 4:30 o'clock p.m. except upon fourteen (14) days public notice."

Section 2. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, that the Comptroller is hereby directed to cause the proposal (Ordinance) to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general state election on November 8, 1994, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and Preference.

BE IT FURTHER ORDAINED, that the Comptroller is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 8th day of November, 1994:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO ALLOW THE COUNCIL TO ESTABLISH BY ORDINANCE THE TUESDAYS OF EVERY MONTH ON WHICH THE COUNCIL SHALL MEET PROVIDED THAT THE COUNCIL SHALL MEET NOT LESS OFTEN THAN TWICE EACH MONTH AND TO ESTABLISH THE TIME AND PLACE OF SUCH MEETINGS BY RESOLUTION

Said ordinance of the City of Memphis was adopted on the 6th day of September, 1994, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

“The City Council is authorized to establish by ordinance the Tuesdays of every month on which the Council shall meet, provided that the Council shall meet not less often than twice each month. The Council is authorized to establish the time and place of such meetings by resolution. The meetings shall be held at 4:30 o’clock in the afternoon, at the place provided for such meeting, or at such other time on Tuesday and at such other place as the Council so designates by resolution; provided, however, that no meeting shall be held at other than 4:30 o’clock p.m. except upon fourteen (14) days public notice.”

FOR	(YES)	_____
AGAINST	(NO)	_____

Section 5. Effective Date of Amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 8th day of November, 1994, the public welfare requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the city of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith, specifically including the provisions of Article 7, Section 43 of the Charter of the City of Memphis, are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence, or part of this ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to

be invalid, if any.

Section 9. Enactment of City Ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

/s/ W.W. Herenton
Mayor, City of Memphis

/s/ James Huckabee
Comptroller

ORDINANCE NO. 4346

[ELECTION OF THIRTEEN COUNCIL MEMBERS]

Adopted..... December 19, 1995

AN ORDINANCE TO PROPOSE AN AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO ADOPT A PLAN WHICH WILL RESULT IN THE ELECTION OF 13 CITY COUNCIL MEMBERS AND TO GIVE EACH VOTER THE OPPORTUNITY TO VOTE FOR AND BE REPRESENTED BY FOUR COUNCIL MEMBERS AND TO SUBMIT THE PROPOSED ORDINANCE TO QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 5, 1996.

PREAMBLE

WHEREAS, Judge Jerome Turner ruled that the electoral system established in 1968 with seven (7) districts and six (6) at-large positions violates federal law; and

WHEREAS, Judge Turner asked for a suggestion of change, "Particularly from the elected legislators of the political division involved"; and

WHEREAS, Judge Turner requested a plan "which will eradicate the minority vote dilution" and will "afford black citizens of Memphis the same opportunity as white citizens to elect representatives of their choice"; and

WHEREAS, the Memphis City Council adopted a plan on May 16, 1995 to remedy the problems with the current electoral system; and

WHEREAS, on June 19, 1995 Judge Jerome Turner ruled that the City Council plan was not a violation of the constitution or the Voting Rights Act and therefore, this plan would be enacted for the 1995 City of Memphis election; and

WHEREAS, it is deemed to be within the power of the citizens of Memphis to adopt this proposed plan for the City of Memphis elections.

NOW THEREFORE,

Section 1. Proposed amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis consisting of the provisions and Acts of the State of Tennessee for the year 1879, Chapter 11, as amended, be and the same is hereby amended as follows:

A. Section 1 of the Memphis Referendum Ordinance No. 1852 adopted November 8, 1966 ("P.O.P. Home Rule Amendment") is hereby amended by deleting the second (2nd) and the fourth (4th) paragraph of Section 1 and by substituting in lieu thereof the following unnumbered grammatical paragraphs which shall be placed after the first grammatical paragraph of Section 1, to-wit:

That the Council shall be composed of nine (9) districts, with districts 1 through 7, both inclusive, being represented by one (1) council member each and with multi-member districts 8 and 9 each being composed of approximately one-half the city's total population and each being represented by three (3) council members elected by position. There is no run-off election required for candidates seeking election in multi-member districts 8 or 9. Each member shall be a resident, as defined by state election laws, of the City and of the district from which he or she is elected.

B. The following language shall be added immediately preceding the penultimate unnumbered grammatical paragraph of Section 1 of the P.O.P. Home Rule Amendments:

DISTRICT EIGHT shall be and is composed of the areas encompassed by the following Wards:

Ward 60	Precinct 5
Ward 60	Precinct 7
Ward 73	Precinct 8
Ward 76	Precinct 2
Ward 76	Precinct 3
Ward 76	Precinct 5
Ward 76	Precinct 6
Ward 77	Precinct 1
Ward 77	Precinct 2
Ward 77	Precinct 3
Ward 78	Precinct 1
Ward 78	Precinct 2
Ward 78	Precinct 3
Ward 78	Precinct 4
Ward 78	Precinct 5
Ward 79	Precinct 1
Ward 79	Precinct 2
Ward 79	Precinct 3
Ward 79	Precinct 5
Ward 79	Precinct 6
Ward 79	Precinct 7
Ward 79	Precinct 8
Ward 79	Precinct 9
Ward 26	Precinct 1
Ward 29	Precinct 1
Ward 29	Precinct 2
Ward 31	Precinct 1
Ward 31	Precinct 2
Ward 31	Precinct 3
Ward 31	Precinct 4
Ward 45	Precinct 2

Ward 47	Precinct 1
Ward 47	Precinct 2
Ward 47	Precinct 3
Ward 58	Precinct 3
Ward 59	Precinct 1
Ward 59	Precinct 2
Ward 59	Precinct 3
Ward 59	Precinct 4
Ward 59	Precinct 5
Ward 59	Precinct 6
Ward 60	Precinct 2
Ward 60	Precinct 6
Ward 60	Precinct 9
Ward 60	Precinct 10
Ward 61	
Ward 73	Precinct 1
Ward 12	
Ward 13	Precinct 1
Ward 13	Precinct 2
Ward 14	Precinct 2
Ward 25	Precinct 2
Ward 26	Precinct 2
Ward 34	Precinct 1
Ward 34	Precinct 2
Ward 35	Precinct 1
Ward 35	Precinct 2
Ward 35	Precinct 3
Ward 48	
Ward 49	Precinct 1
Ward 49	Precinct 2
Ward 50	Precinct 1
Ward 50	Precinct 2
Ward 60	Precinct 1
Ward 60	Precinct 3
Ward 60	Precinct 4
Ward 60	Precinct 8
Ward 75	Precinct 1
Ward 75	Precinct 2
Ward 75	Precinct 3
Ward 75	Precinct 4
Ward 75	Precinct 5
Ward 75	Precinct 6
Ward 75	Precinct 7
Ward 75	Precinct 8
Ward 75	Precinct 10
Ward 75	Precinct 11
Ward 76	Precinct 1
Ward 76	Precinct 4
Ward 82	Precinct 1
Ward 82	Precinct 2
Ward 82	Precinct 3

Ward 01	
Ward 02	
Ward 07	
Ward 11	
Ward 14	Precinct 1
Ward 15	
Ward 16	Precinct 3
Ward 18	
Ward 20	Precinct 3
Ward 21	Precinct 1
Ward 21	Precinct 2
Ward 21	Precinct 3
Ward 22	
Ward 25	Precinct 1
Ward 26	Precinct 3
Ward 27	Precinct 1
Ward 27	Precinct 2
Ward 32	
Ward 36	Precinct 2
Ward 39	
Ward 40	
Ward 41	Precinct 1
Ward 41	Precinct 2
Ward 41	Precinct 3
Ward 42	Precinct 1
Ward 42	Precinct 2
Ward 43	Precinct 2
Ward 51	
Ward 52	Precinct 1

DISTRICT NINE shall be and is composed of the areas encompassed by the following Wards:

Ward 53	Precinct 3
Ward 53	Precinct 4
Ward 69	Precinct 1
Ward 69	Precinct 2
Ward 70	Precinct 1
Ward 70	Precinct 2
Ward 70	Precinct 3
Ward 71	Precinct 1
Ward 71	Precinct 2
Ward 71	Precinct 3
Ward 71	Precinct 4
Ward 72	Precinct 1
Ward 72	Precinct 2
Ward 72	Precinct 3
Ward 72	Precinct 4
Ward 72	Precinct 5
Ward 72	Precinct 6
Ward 72	Precinct 7
Ward 83	

Ward 84	Precinct 1
Ward 84	Precinct 2
Ward 85	
Ward 86	
Ward 87	Precinct 1
Ward 87	Precinct 2
Ward 87	Precinct 3
Ward 88	Precinct 1
Ward 88	Precinct 2
Ward 88	Precinct 4
Ward 88	Precinct 5
Ward 90	Precinct 1
Ward 90	Precinct 2
Ward 90	Precinct 3
Ward 55	Precinct 2
Ward 56	Precinct 2
Ward 64	
Ward 65	Precinct 2
Ward 66	Precinct 2
Ward 67	Precinct 1
Ward 67	Precinct 2
Ward 67	Precinct 3
Ward 68	Precinct 1
Ward 68	Precinct 2
Ward 68	Precinct 3
Ward 74	Precinct 1
Ward 74	Precinct 5
Ward 74	Precinct 6
Ward 74	Precinct 7
Ward 74	Precinct 8
Ward 80	Precinct 1
Ward 80	Precinct 2
Ward 81	Precinct 1
Ward 81	Precinct 2
Ward 81	Precinct 3
Ward 81	Precinct 4
Ward 81	Precinct 5
Ward 81	Precinct 6
Ward 81	Precinct 7
Ward 81	Precinct 8
Ward 88	Precinct 3
Ward 89	Precinct 1
Ward 89	Precinct 2
Ward 91	Precinct 1
Ward 91	Precinct 2
Ward C-4639	
Ward 16	Precinct 1
Ward 17	
Ward 20	Precinct 1
Ward 28	Precinct 1
Ward 28	Precinct 2

Ward 30	
Ward 33	
Ward 36	Precinct 1
Ward 36	Precinct 3
Ward 37	
Ward 38	Precinct 1
Ward 38	Precinct 2
Ward 43	Precinct 1
Ward 44	Precinct 1
Ward 44	Precinct 2
Ward 44	Precinct 3
Ward 44	Precinct 4
Ward 44	Precinct 5
Ward 45	Precinct 1
Ward 45	Precinct 4
Ward 46	Precinct 1
Ward 46	Precinct 2
Ward 52	Precinct 2
Ward 52	Precinct 3
Ward 53	Precinct 1
Ward 53	Precinct 2
Ward 54	
Ward 55	Precinct 1
Ward 56	Precinct 1
Ward 56	Precinct 3
Ward 57	
Ward 63	Precinct 1
Ward 63	Precinct 2
Ward 62	Precinct 1
Ward 62	Precinct 2
Ward 58	Precinct 1
Ward 58	Precinct 2
Ward 58	Precinct 4
Ward 58	Precinct 5
Ward 65	Precinct 1
Ward 66	Precinct 1
Ward 73	Precinct 2
Ward 73	Precinct 3
Ward 73	Precinct 4
Ward 74	Precinct 2
Ward 74	Precinct 4
Ward 74	Precinct 9

Section 2. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared unconstitutional, or void, it shall not affect the remaining parts of this ordinance, it being declared to

be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and is hereby directed to cause this proposal (ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee.

Section 5. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and is hereby directed to deliver a copy of this ordinance to the Shelby County Election Commission, together with a suggested proposal in the following form of preference to be submitted by the City of Memphis, Tennessee, to its qualified voters on November 5, 1996 which is the first general state election held in the City of Memphis at least sixty (60) days after such publication:

QUESTION:

SHALL THE HOME RULE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE BE AMENDED TO REQUIRE THAT THE MEMPHIS ELECTORAL SYSTEM BE COMPOSED OF NINE DISTRICTS, SEVEN OF THEM HAVING THE SAME BOUNDARIES AS THE EXISTING DISTRICTS 1 THROUGH 7 AND BEING REPRESENTED, AS NOW, BY ONE COUNCIL MEMBER EACH; THAT DISTRICT 8 BE COMPOSED OF ALL THOSE PRECINCTS IN THE EXISTING DISTRICTS 3, 4, 6, AND 7, LESS THE 14 PRECINCTS NEEDED TO REDUCE DISTRICT 8'S POPULATION TO APPROXIMATELY ONE-HALF THE TOTAL CITY'S POPULATION, AND THAT DISTRICT 8 BE REPRESENTED BY THREE (3) COUNCIL MEMBERS ELECTED BY POSITION; THAT DISTRICT 9 BE COMPOSED OF ALL THOSE PRECINCTS PRESENTLY IN DISTRICTS 1, 2, AND 5 PLUS THE 14 PRECINCTS NEEDED TO INCREASE DISTRICT 9'S POPULATION TO APPROXIMATELY ONE-HALF THE CITY'S POPULATION, AND THAT DISTRICT 9 BE REPRESENTED BY THREE (3) COUNCIL MEMBERS ELECTED BY POSITION. THAT NO RUN OFF ELECTION WILL BE REQUIRED FOR DISTRICTS 8 AND 9. THAT EACH COUNCIL MEMBER SHALL BE A RESIDENT, AS DEFINED BY STATE ELECTION LAWS, OF THE CITY AND OF THE DISTRICT FROM WHICH HE OR SHE IS ELECTED.

FOR (YES) _____
AGAINST (NO) _____

Section 6. Effective date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 1996, the public welfare requiring it.

/s/ MARY ROSE MCCORMICK
Chairman of Council

Attest:

/s/ DANNY WRAY
City Comptroller

Order No. _____

ORDINANCE NO. 4382

[INCREASES THE SALARIES OF THE CITY COUNCIL]

Adopted.....December 19, 1995

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS TO ADD A PROVISION AUTHORIZING THE INCREASE OF THE SALARIES OF THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 5, 1996.

Section 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS as recommended by the Mayor, that the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first general State election, which shall be held in the City of Memphis on November 5, 1996, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall Section 1 of the Home Rule Charter of the City of Memphis, Tennessee be amended by adding the following provision to read as follows:

“The salary of the City Council shall be equal to the salary and expenses as set for the Shelby County Commission upon approval by a majority of the qualified voters voting thereon.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 5, 1996, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot in the following form:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO INCREASE THE SALARY OF THE CITY COUNCIL

Said Ordinance of the City of Memphis was adopted on the 19th day of December, 1995 to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

“The salary of the City Council shall be equal to the salary and expenses as set for the Shelby County Commission upon approval by a majority of the qualified voters voting thereon.”

FOR (YES) _____
AGAINST (NO) _____

Section 4. Effective date of Charter amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 1996, the public welfare requiring it.

Section 5. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 6. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that upon adoption of this Home Rule Amendment all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith, specifically including provisions of Section 1 of the Home Rule Amendment adopted November 8, 1966 pertaining to Councilmen, are hereby repealed.

Section 7. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it [is] hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts to held to be invalid, if any.

Section 8. Effective date of referendum ordinance.

BE IT FURTHER ORDAINED, that this Referendum Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

/s/ MARY ROSE MCCORMICK
Chairman of Council

ORDINANCE NO. 4434

[AMENDS THRESHOLD AMOUNTS WITH REGARD TO PURCHASING]

Adopted..... August 30, 1996

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND THRESHOLD AMOUNTS WITH REGARD TO PURCHASING, AND TO SUBMIT PROPOSED ORDINANCE TO QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 5, 1996.

Section 1. Question.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Section 9, Article XI, of the Constitution of the State of Tennessee, as amended, the following proposals shall be published and submitted by the City of Memphis, to its qualified voters at the first general state election, and which shall be held in the City of Memphis on November 5, 1996, and which shall be held at least sixty (60) days after such publication.

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by providing in Charter Section 51 and Charter Section 222, that the City Council by ordinance may adjust the limits for purchases and newspaper advertisement for competitive bidding and the purchase orders therefor.

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to cause this proposal (Ordinance) to be published pursuant to the provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

Section 3. Delivery to election commission.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 5, 1996, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, that the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with the suggested proposals and the following form of preference to be placed on the ballot in an election to be held on the 5th day of November, 1996:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS BY AMENDING THE FOLLOWING SECTIONS 51 AND 222, AS SET OUT BELOW:

Referendum on Home Rule Charter of the City of Memphis be amended by providing in Charter Section 51 and Charter Section 222, that the City Council by ordinance may adjust the limits for purchases and newspaper advertisement for competitive bidding and the purchase orders therefor.

An Ordinance of the City of Memphis was adopted on the _____ day of _____, 1996, to provide for a referendum on a Home Rule Amendment to the Charter of said City so as to change Charter Sections 51, and 222, as set out above.

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective date of amendment.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 1996, the public welfare requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify to the Comptroller of the City of Memphis, the result of said election, who shall see that said results are made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

/s/ JANET HOOKS
Chairman of Council

Attest:

/s/ DANNY N. WRAY
Comptroller

SUBSTITUTE ORDINANCE NO. 4659

[REVISES COUNCIL DISTRICTS]

Adopted.....April 6, 1999

AN ORDINANCE TO ASSIGN NEWLY ANNEXED AREAS TO COUNCIL DISTRICTS AND TO REVISE AND CHANGE ALL COUNCIL DISTRICTS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

PREAMBLE

WHEREAS, Judge Jerome Turner ruled that the electoral system established in 1968 with seven districts and six at-large positions violates federal law; and

WHEREAS, the Memphis City Council adopted a plan on May 16, 1995 to remedy the problems with the current electoral system; and

WHEREAS, on June 19, 1995 Judge Jerome Turner entered an injunction decree which provided that the City Council plan was not a violation of the Constitution or the Voting Rights Act; and

WHEREAS, the citizens of Memphis adopted this proposed plan for the City of Memphis elections and made it a part of the Charter of the City in a referendum election held November 5, 1996; and

WHEREAS, The Home Rule Charter of the City requires the Council to assign newly annexed areas to Council Districts and to make revisions and changes in all Districts by ordinance so that all Council Districts will remain as equal as practicable;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

Section 1. Redistricting amendment.

That the Council districts 1 through 7, both inclusive, which are represented by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas encompassed by the following Wards and Precincts:

Ward 69	Precinct 1
Ward 69	Precinct 2
Ward 70	Precinct 1
Ward 70	Precinct 3
Ward 71	Precinct 1
Ward 71	Precinct 2
Ward 71	Precinct 3
Ward 71	Precinct 4
Ward 72	Precinct 1
Ward 72	Precinct 3
Ward 72	Precinct 5
Ward 72	Precinct 6
Ward 72	Precinct 7
Ward 84	Precinct 1
Ward 84	Precinct 2
Ward 85	
Ward 86	
Ward 87	Precinct 1
Ward 87	Precinct 2
Ward 87	Precinct 3
Ward 88	Precinct 1
Ward 88	Precinct 2
Ward 88	Precinct 4
Ward 88	Precinct 5
Ward 90	Precinct 1
Ward 90	Precinct 2
Ward 90	Precinct 3
Ward 53	Precinct 3
Ward 53	Precinct 4
Ward 53	Precinct 1
Ward 88	Precinct 3
Ward 53	Precinct 2

DISTRICT TWO shall consist of the areas encompassed by the following Wards and Precincts:

Ward 80	Precinct 1
Ward 80	Precinct 2
Ward 81	Precinct 1
Ward 81	Precinct 2
Ward 81	Precinct 3
Ward 81	Precinct 4
Ward 81	Precinct 5
Ward 81	Precinct 6
Ward 81	Precinct 7
Ward 81	Precinct 8
Ward 65	Precinct 2
Ward 66	Precinct 2
Ward 67	Precinct 2

Ward 67	Precinct 3
Ward 68	Precinct 1
Ward 89	Precinct 1
Ward 89	Precinct 2
Ward 89	Precinct 3
Ward 74	Precinct 1
Ward 74	Precinct 5
Ward 74	Precinct 6
Ward 74	Precinct 7
Ward 74	Precinct 8
Ward 91	Precinct 1
Ward 91	Precinct 2
Ward 91	Precinct 3
Ward 94	Precinct 1
Ward 94	Precinct 3
Ward 94	Precinct 5
Ward Ross	Store 10
Ward Ross	Store 12
Ward Ross	Store 14
Ward 93	Precinct 1
Ward 93	Precinct 2
Ward 65	Precinct 1
Ward COR 1	
Ward COR 3	
Ward COR 4	
Ward COR 6	
Ward COR 7	
Ward COR 8	
Ward COR 9	
Ward 56	Precinct 3
Ward 94	Precinct 7
Ward 94	Precinct 4
Ward COR 10	

DISTRICT THREE shall consist of the areas encompassed by the following Wards and Precincts:

Ward 76	Precinct 2
Ward 76	Precinct 3
Ward 76	Precinct 5
Ward 76	Precinct 6
Ward 77	Precinct 2
Ward 77	Precinct 3
Ward 76	Precinct 4
Ward 79	Precinct 1
Ward 79	Precinct 2
Ward 79	Precinct 3
Ward 79	Precinct 6
Ward 79	Precinct 7
Ward 79	Precinct 8
Ward 79	Precinct 9
Ward 60	Precinct 5

Ward 60	Precinct 7
Ward 74	Precinct 2
Ward 74	Precinct 4
Ward 73	Precinct 4
Ward 74	Precinct 9
Ward Ross Store 01	
Ward Capleville 5	
Ward 94	Precinct 2
Ward 94	Precinct 6
Ward Ross Store 13	
Ward 92	Precinct 1
Ward 92	Precinct 2
Ward 92	Precinct 3
Ward 93	Precinct 3
Ward 78	Precinct 3

DISTRICT FOUR shall consist of the areas encompassed by the following Wards and Precincts:

Ward 29	Precinct 1
Ward 29	Precinct 2
Ward 45	Precinct 2
Ward 31	Precinct 1
Ward 31	Precinct 2
Ward 31	Precinct 3
Ward 31	Precinct 4
Ward 73	Precinct 1
Ward 73	Precinct 2
Ward 73	Precinct 3
Ward 47	Precinct 1
Ward 47	Precinct 2
Ward 47	Precinct 3
Ward 58	Precinct 2
Ward 58	Precinct 3
Ward 58	Precinct 4
Ward 59	Precinct 1
Ward 59	Precinct 2
Ward 59	Precinct 3
Ward 59	Precinct 4
Ward 59	Precinct 5
Ward 59	Precinct 6
Ward 60	Precinct 10
Ward 60	Precinct 2
Ward 60	Precinct 6
Ward 60	Precinct 9
Ward 61	
Ward 66	Precinct 1
Ward 60	Precinct 3
Ward 60	Precinct 4
Ward 60	Precinct 8
Ward 26	Precinct 3
Ward 26	Precinct 1

Ward 48

DISTRICT FIVE shall consist of the areas encompassed by the following Wards and Precincts:

Ward 16	Precinct 1
Ward 17	
Ward 20	Precinct 1
Ward 28	Precinct 1
Ward 28	Precinct 2
Ward 30	
Ward 33	
Ward 36	Precinct 1
Ward 36	Precinct 3
Ward 37	
Ward 38	Precinct 1
Ward 38	Precinct 2
Ward 44	Precinct 1
Ward 44	Precinct 2
Ward 44	Precinct 3
Ward 44	Precinct 4
Ward 44	Precinct 5
Ward 45	Precinct 1
Ward 45	Precinct 4
Ward 46	Precinct 1
Ward 46	Precinct 2
Ward 52	Precinct 2
Ward 52	Precinct 3
Ward 54	
Ward 55	Precinct 1
Ward 56	Precinct 1
Ward 57	
Ward 63	Precinct 1
Ward 63	Precinct 2
Ward 64	
Ward 68	Precinct 2
Ward 68	Precinct 3
Ward 56	Precinct 2
Ward 67	Precinct 1
Ward 55	Precinct 2
Ward 43	Precinct 1
Ward 58	Precinct 1

DISTRICT SIX shall consist of the areas encompassed by the following Wards and Precincts:

Ward 25	Precinct 2
Ward 26	Precinct 2
Ward 60	Precinct 1
Ward 75	Precinct 1
Ward 75	Precinct 10
Ward 75	Precinct 2
Ward 75	Precinct 7

Ward 82	Precinct 1
Ward 82	Precinct 2
Ward 82	Precinct 3
Ward 34	Precinct 1
Ward 34	Precinct 2
Ward 35	Precinct 1
Ward 35	Precinct 2
Ward 35	Precinct 3
Ward 49	Precinct 1
Ward 49	Precinct 2
Ward 50	Precinct 1
Ward 50	Precinct 2
Ward 12	
Ward 13	Precinct 1
Ward 13	Precinct 2
Ward 77	Precinct 1
Ward 78	Precinct 3
Ward 78	Precinct 2
Ward 75	Precinct 5
Ward 25	Precinct 1
Ward 76	Precinct 1
Ward 75	Precinct 6
Ward 78	Precinct 1
Ward 75	Precinct 4
Ward 75	Precinct 11

DISTRICT SEVEN shall consist of the areas encompassed by the following Wards and Precincts:

Ward 20	Precinct 3
Ward 21	Precinct 1
Ward 21	Precinct 2
Ward 21	Precinct 3
Ward 22	
Ward 11	
Ward 27	Precinct 1
Ward 27	Precinct 2
Ward 16	Precinct 3
Ward 1	
Ward 7	
Ward 15	
Ward 32	
Ward 36	Precinct 2
Ward 39	
Ward 40	Precinct 1
Ward 40	Precinct 2
Ward 41	Precinct 1
Ward 41	Precinct 2
Ward 41	Precinct 3
Ward 42	Precinct 1
Ward 42	Precinct 2
Ward 43	Precinct 2

Ward 51	
Ward 52	Precinct 1
Ward 62	Precinct 1
Ward 62	Precinct 2
Ward 2	
Ward 70	Precinct 2
Ward 72	Precinct 4
Ward 83	

DISTRICT EIGHT shall consist of the areas encompassed by the following Wards and Precincts:

Ward 76	Precinct 2
Ward 76	Precinct 3
Ward 76	Precinct 5
Ward 76	Precinct 6
Ward 77	Precinct 2
Ward 77	Precinct 3
Ward 75	Precinct 11
Ward 75	Precinct 4
Ward 76	Precinct 4
Ward 79	Precinct 1
Ward 79	Precinct 2
Ward 79	Precinct 3
Ward 79	Precinct 6
Ward 79	Precinct 7
Ward 79	Precinct 8
Ward 79	Precinct 9
Ward 60	Precinct 5
Ward 60	Precinct 7
Ward Ross Store 1	
Ward Capleville 5	
Ward 94	Precinct 2
Ward 94	Precinct 6
Ward Ross Store 13	
Ward 92	Precinct 1
Ward 92	Precinct 2
Ward 92	Precinct 3
Ward 93	Precinct 3
Ward 29	Precinct 1
Ward 29	Precinct 2
Ward 45	Precinct 2
Ward 31	Precinct 1
Ward 31	Precinct 2
Ward 31	Precinct 3
Ward 31	Precinct 4
Ward 73	Precinct 1
Ward 47	Precinct 1
Ward 47	Precinct 2
Ward 47	Precinct 3
Ward 58	Precinct 3
Ward 59	Precinct 1

Ward 59	Precinct 2
Ward 59	Precinct 3
Ward 59	Precinct 4
Ward 59	Precinct 5
Ward 59	Precinct 6
Ward 60	Precinct 10
Ward 60	Precinct 2
Ward 60	Precinct 6
Ward 60	Precinct 9
Ward 61	
Ward 60	Precinct 3
Ward 60	Precinct 4
Ward 60	Precinct 8
Ward 26	Precinct 3
Ward 26	Precinct 1
Ward 48	
Ward 25	Precinct 2
Ward 26	Precinct 2
Ward 60	Precinct 1
Ward 75	Precinct 1
Ward 75	Precinct 10
Ward 75	Precinct 2
Ward 75	Precinct 7
Ward 82	Precinct 1
Ward 82	Precinct 2
Ward 82	Precinct 3
Ward 34	Precinct 1
Ward 34	Precinct 2
Ward 35	Precinct 1
Ward 35	Precinct 2
Ward 35	Precinct 3
Ward 49	Precinct 1
Ward 49	Precinct 2
Ward 50	Precinct 1
Ward 50	Precinct 2
Ward 12	
Ward 13	Precinct 1
Ward 13	Precinct 2
Ward 77	Precinct 1
Ward 78	Precinct 3
Ward 78	Precinct 2
Ward 75	Precinct 5
Ward 25	Precinct 1
Ward 76	Precinct 1
Ward 75	Precinct 6
Ward 78	Precinct 1
Ward 20	Precinct 3
Ward 21	Precinct 1
Ward 21	Precinct 2
Ward 21	Precinct 3
Ward 22	

Ward 11	
Ward 27	Precinct 1
Ward 27	Precinct 2
Ward 16	Precinct 3
Ward 1	
Ward 7	
Ward 15	
Ward 32	
Ward 36	Precinct 2
Ward 39	
Ward 40	Precinct 1
Ward 40	Precinct 2
Ward 41	Precinct 1
Ward 41	Precinct 2
Ward 41	Precinct 3
Ward 42	Precinct 1
Ward 42	Precinct 2
Ward 43	Precinct 2
Ward 51	
Ward 52	Precinct 1
Ward 2	

DISTRICT NINE shall consist of the areas encompassed by the following Wards and Precincts:

Ward 69	Precinct 1
Ward 69	Precinct 2
Ward 70	Precinct 1
Ward 70	Precinct 3
Ward 71	Precinct 1
Ward 71	Precinct 2
Ward 71	Precinct 3
Ward 71	Precinct 4
Ward 72	Precinct 1
Ward 72	Precinct 3
Ward 72	Precinct 5
Ward 72	Precinct 6
Ward 72	Precinct 7
Ward 84	Precinct 1
Ward 84	Precinct 2
Ward 85	
Ward 86	
Ward 87	Precinct 1
Ward 87	Precinct 2
Ward 87	Precinct 3
Ward 88	Precinct 1
Ward 88	Precinct 2
Ward 88	Precinct 4
Ward 88	Precinct 5
Ward 90	Precinct 1
Ward 90	Precinct 2
Ward 90	Precinct 3

Ward 53	Precinct 3
Ward 53	Precinct 4
Ward 53	Precinct 1
Ward 88	Precinct 3
Ward 53	Precinct 2
Ward 80	Precinct 1
Ward 80	Precinct 2
Ward 81	Precinct 1
Ward 81	Precinct 2
Ward 81	Precinct 3
Ward 81	Precinct 4
Ward 81	Precinct 5
Ward 81	Precinct 6
Ward 81	Precinct 7
Ward 81	Precinct 8
Ward 65	Precinct 2
Ward 66	Precinct 2
Ward 67	Precinct 2
Ward 67	Precinct 3
Ward 68	Precinct 1
Ward 89	Precinct 1
Ward 89	Precinct 2
Ward 89	Precinct 3
Ward 74	Precinct 1
Ward 74	Precinct 5
Ward 74	Precinct 6
Ward 74	Precinct 7
Ward 74	Precinct 8
Ward 91	Precinct 1
Ward 91	Precinct 2
Ward 91	Precinct 3
Ward 94	Precinct 1
Ward 94	Precinct 3
Ward 94	Precinct 5
Ward Ross	Store 10
Ward Ross	Store 12
Ward Ross	Store 14
Ward 93	Precinct 1
Ward 93	Precinct 2
Ward 65	Precinct 1
Ward COR	1
Ward COR	3
Ward COR	4
Ward COR	6
Ward COR	7
Ward COR	8
Ward COR	9
Ward 56	Precinct 3
Ward 94	Precinct 7
Ward 94	Precinct 4
COR	10

Ward 74	Precinct 2
Ward 74	Precinct 4
Ward 73	Precinct 4
Ward 74	Precinct 9
Ward 73	Precinct 2
Ward 73	Precinct 3
Ward 58	Precinct 2
Ward 58	Precinct 4
Ward 66	Precinct 1
Ward 16	Precinct 1
Ward 17	
Ward 20	Precinct 1
Ward 28	Precinct 1
Ward 28	Precinct 2
Ward 30	
Ward 33	
Ward 36	Precinct 1
Ward 36	Precinct 3
Ward 37	
Ward 38	Precinct 1
Ward 38	Precinct 2
Ward 44	Precinct 1
Ward 44	Precinct 2
Ward 44	Precinct 3
Ward 44	Precinct 4
Ward 44	Precinct 5
Ward 45	Precinct 1
Ward 45	Precinct 4
Ward 46	Precinct 1
Ward 46	Precinct 2
Ward 52	Precinct 2
Ward 52	Precinct 3
Ward 54	
Ward 55	Precinct 1
Ward 56	Precinct 1
Ward 57	
Ward 63	Precinct 1
Ward 63	Precinct 2
Ward 64	
Ward 68	Precinct 2
Ward 68	Precinct 3
Ward 56	Precinct 2
Ward 67	Precinct 1
Ward 55	Precinct 2
Ward 43	Precinct 1
Ward 58	Precinct 1
Ward 62	Precinct 1
Ward 62	Precinct 2
Ward 70	Precinct 2
Ward 72	Precinct 4
Ward 83	

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is filed with the Comptroller of the City of Memphis.

Section 2. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Effective date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

/s/ JOSEPH FORD
Chairman of Council

Attest:

/s/ DANNY WRAY
City Comptroller

ORDINANCE NO. 4670

[AMENDS TERM OF CITY COURT JUDGES]

Adopted..... May 18, 1999

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND THE TERM OF CITY COURT JUDGES, AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 7, 2000.

SECTION 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 7, 2000, and which shall be at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by revising Charter Section 253, to read as follows:

Sec. 253. Time of election and term of judge; judge may succeed himself.

Beginning with the year 2003, a city judge shall be elected for a term of eight (8) years. Said term to coincide with the election of the mayor and other elected officials of the City of Memphis. A city judge may at the end of his/her term immediately succeed himself/herself as city judge.

SECTION 2. PUBLICATION OF HOME RULE AMENDMENT.

BE IT FURTHER ORDAINED, that the Comptroller is hereby directed to cause the Proposal (Ordinance) to be published pursuant to provisions of Article 11, Section 9, of the Constitution of the State of Tennessee.

SECTION 3. DELIVERY TO ELECTION COMMISSION.

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the first general state election on November 7, 2000, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

SECTION 4. PROPOSAL AND PREFERENCE.

BE IT FURTHER ORDAINED, that the comptroller is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 7th day of November, 2000:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO CHANGE THE TERM OF OFFICE OF CITY COURT JUDGES TO EIGHT YEARS, WITH ELECTIONS COINCIDING WITH THE ELECTION OF MAYOR AND OTHER ELECTED OFFICIALS OF THE CITY OF MEMPHIS.

Said ordinance of the City of Memphis was adopted on the _____ day of _____, 1999, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

The term of the City Court Judges shall be eight (8) years coinciding with the election of Mayor and other elected officials of the city of Memphis

FOR (YES) _____
AGAINST (NO) _____

SECTION 5. EFFECTIVE DATE OF AMENDMENT.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect for the purposes set forth herein sixty (60) days after the approval by a majority of the qualified voters voting thereon in an election to be held on the 7th day of November, 2000, the public welfare requiring it.

SECTION 6. CERTIFICATION OF RESULTS.

BE IT FURTHER ORDAINED, that the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

SECTION 7. NONCONFLICTING—CONFLICTING LAWS.

BE IT FURTHER ORDAINED, that upon adoption of this Home rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are hereby continued in full force and effect.

SECTION 8. SEVERABILITY.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

SECTION 9. PUBLICATION.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

SECTION 10. ENACTMENT OF CITY ORDINANCE.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

/s/ JOE FORD
Chairman of Council

Attest:
/s/ DANNY WRAY
City Comptroller

SUBSTITUTE ORDINANCE NO. 4949

[REVISES COUNCIL DISTRICTS]

Adopted.....JULY 16, 2002

AN ORDINANCE TO ASSIGN NEWLY ANNEXED AREAS TO COUNCIL DISTRICTS AND TO REVISE AND CHANGE ALL COUNCIL DISTRICTS AS A RESULT OF NEWLY ANNEXED AREAS AND RECENT POPULATION CHANGES IN THE 2000 U.S. CENSUS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

PREAMBLE

WHEREAS, Judge Jerome Turner ruled that the electoral system established in 1968 with seven districts and six at-large positions violates federal law; and

WHEREAS, the Memphis City Council adopted a plan on May 16, 1995 to remedy the problems with the current electoral system; and

WHEREAS, on June 19, 1995 Judge Jerome Turner entered an injunction decree which provided that the City Council plan was not a violation of the Constitution or the Voting Rights Act; and

WHEREAS, the citizens of Memphis adopted this proposed plan for the City of Memphis elections and made it a part of the Charter of the City in a referendum election held November 5, 1996; and

WHEREAS, The Home Rule Charter of the City requires the Council to assign newly annexed areas to Council

Districts and to make revisions and changes in all Districts by ordinance as a result of the assignment of newly annexed areas and as a result of population changes in the most recent U.S. Census so that all Council Districts will remain as equal as practicable;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

Section 1. Redistricting amendment.

That the Council districts 1 through 7, both inclusive, which are represented by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 1	1
Cordova 11	1
Cordova 2	1
Cordova 5	1
Cordova 6	1
Cordova 7	1
Eads	1
Memphis 53-1	1
Memphis 53-2	1
Memphis 53-3	1
Memphis 70-1	1
Memphis 70-3	1
Memphis 72-1	1
Memphis 72-3	1
Memphis 72-5	1
Memphis 72-7	1
Memphis 84-1	1
Memphis 84-2	1
Memphis 85	1
Memphis 86	1
Memphis 87-1	1
Memphis 87-2	1
Memphis 87-3	1
Memphis 88-1	1
Memphis 88-2	1
Memphis 88-3	1
Memphis 88-4	1
Memphis 88-5	1
Memphis 89-1	1
Memphis 89-3	1
Memphis 90-1	1
Memphis 90-2	1
Memphis 90-3	1
Morning Sun	1

DISTRICT TWO shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 10	2
Cordova 3	2
Cordova 4	2
Cordova 8	2
Cordova 9	2
Germantown 06	2
Memphis 66-2	2
Memphis 67-2	2
Memphis 67-3	2
Memphis 68-1	2
Memphis 74-6	2
Memphis 80-2	2
Memphis 81-1	2
Memphis 81-2	2
Memphis 81-3	2
Memphis 81-4	2
Memphis 81-5	2
Memphis 81-6	2
Memphis 81-7	2
Memphis 81-8	2
Memphis 89-2	2
Memphis 91-1	2
Memphis 91-2	2
Memphis 91-3	2
Memphis 93-1	2
Memphis 93-2	2
Memphis 93-3	2
Memphis 94-1	2
Memphis 94-3	2
Memphis 94-5	2
Ross Store 05	2
Ross Store 10	2
Ross Store 12	2
Ross Store 13	2
Ross Store 14	2

DISTRICT THREE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Capleville 5	3
Memphis 60-5	3
Memphis 60-7	3
Memphis 73-4	3
Memphis 74-1	3
Memphis 74-2	3
Memphis 74-4	3
Memphis 74-8	3
Memphis 74-9	3
Memphis 78-1	3

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 78-3	3
Memphis 79-1	3
Memphis 79-2	3
Memphis 79-3	3
Memphis 79-7	3
Memphis 79-8	3
Memphis 79-9	3
Memphis 92-1	3
Memphis 92-2	3
Memphis 92-3	3
Memphis 94-2	3
Memphis 94-4	3
Memphis 94-6	3
Memphis 94-7	3
Ross Store 01	3

DISTRICT FOUR shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 26-1	4
Memphis 29-1	4
Memphis 29-2	4
Memphis 31-1	4
Memphis 31-2	4
Memphis 31-3	4
Memphis 31-4	4
Memphis 34-1	4
Memphis 45-2	4
Memphis 47-1	4
Memphis 47-2	4
Memphis 47-3	4
Memphis 48	4
Memphis 58-2	4
Memphis 58-3	4
Memphis 58-4	4
Memphis 59-1	4
Memphis 59-2	4
Memphis 59-3	4
Memphis 59-4	4
Memphis 59-5	4
Memphis 59-6	4
Memphis 60-10	4
Memphis 60-2	4
Memphis 60-3	4
Memphis 60-4	4
Memphis 60-6	4
Memphis 60-8	4
Memphis 60-9	4
Memphis 61	4
Memphis 66-1	4

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 73-1	4
Memphis 73-2	4
Memphis 73-3	4
Memphis 74-5	4

DISTRICT FIVE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 16-1	5
Memphis 17	5
Memphis 20-1	5
Memphis 28-1	5
Memphis 28-2	5
Memphis 30	5
Memphis 33	5
Memphis 36-1	5
Memphis 37	5
Memphis 38-1	5
Memphis 38-2	5
Memphis 43-1	5
Memphis 44-1	5
Memphis 44-2	5
Memphis 44-3	5
Memphis 44-4	5
Memphis 44-5	5
Memphis 45-1	5
Memphis 45-4	5
Memphis 46-1	5
Memphis 46-2	5
Memphis 52-2	5
Memphis 52-3	5
Memphis 54	5
Memphis 55-1	5
Memphis 55-2	5
Memphis 56-1	5
Memphis 56-2	5
Memphis 56-3	5
Memphis 57	5
Memphis 58-1	5
Memphis 63-2	5
Memphis 64	5
Memphis 65-1	5
Memphis 65-2	5
Memphis 67-1	5
Memphis 68-2	5
Memphis 68-3	5

DISTRICT SIX shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
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<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 12	6
Memphis 13-1	6
Memphis 13-2	6
Memphis 15	6
Memphis 16-3	6
Memphis 25-1	6
Memphis 25-2	6
Memphis 26-2	6
Memphis 26-3	6
Memphis 34-2	6
Memphis 35-1	6
Memphis 35-2	6
Memphis 35-3	6
Memphis 49-1	6
Memphis 49-2	6
Memphis 50-1	6
Memphis 50-2	6
Memphis 60-1	6
Memphis 75-1	6
Memphis 75-11	6
Memphis 75-2	6
Memphis 75-4	6
Memphis 75-5	6
Memphis 75-6	6
Memphis 75-7	6
Memphis 76-1	6
Memphis 76-4	6
Memphis 76-5	6
Memphis 76-6	6
Memphis 77-1	6
Memphis 77-2	6
Memphis 77-3	6
Memphis 82-1	6
Memphis 82-2	6
Memphis 82-3	6

DISTRICT SEVEN shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 01	7
Memphis 02	7
Memphis 07	7
Memphis 11	7
Memphis 20-3	7
Memphis 21-1	7
Memphis 21-2	7
Memphis 21-3	7
Memphis 22	7
Memphis 27-1	7
Memphis 27-2	7

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 32	7
Memphis 36-2	7
Memphis 36-3	7
Memphis 40-1	7
Memphis 40-2	7
Memphis 41-1	7
Memphis 41-2	7
Memphis 41-3	7
Memphis 42-1	7
Memphis 42-2	7
Memphis 43-2	7
Memphis 51	7
Memphis 52-1	7
Memphis 62-1	7
Memphis 62-2	7
Memphis 69-1	7
Memphis 69-2	7
Memphis 70-2	7
Memphis 71-1	7
Memphis 71-2	7
Memphis 71-3	7
Memphis 71-4	7
Memphis 71-5	7
Memphis 72-4	7
Memphis 72-6	7
Memphis 83	7

DISTRICT EIGHT shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Capleville 5	8
Memphis 01	8
Memphis 02	8
Memphis 07	8
Memphis 11	8
Memphis 12	8
Memphis 13-1	8
Memphis 13-2	8
Memphis 15	8
Memphis 16-3	8
Memphis 20-3	8
Memphis 21-1	8
Memphis 21-2	8
Memphis 21-3	8
Memphis 22	8
Memphis 25-1	8
Memphis 25-2	8
Memphis 26-1	8
Memphis 26-2	8
Memphis 26-3	8

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 27-1	8
Memphis 27-2	8
Memphis 29-1	8
Memphis 29-2	8
Memphis 31-1	8
Memphis 31-2	8
Memphis 31-3	8
Memphis 31-4	8
Memphis 32	8
Memphis 34-1	8
Memphis 34-2	8
Memphis 35-1	8
Memphis 35-2	8
Memphis 35-3	8
Memphis 36-2	8
Memphis 40-1	8
Memphis 40-2	8
Memphis 41-1	8
Memphis 41-2	8
Memphis 41-3	8
Memphis 42-1	8
Memphis 42-2	8
Memphis 43-2	8
Memphis 45-2	8
Memphis 47-1	8
Memphis 47-2	8
Memphis 47-3	8
Memphis 48	8
Memphis 49-1	8
Memphis 49-2	8
Memphis 50-1	8
Memphis 50-2	8
Memphis 51	8
Memphis 52-1	8
Memphis 58-3	8
Memphis 59-1	8
Memphis 59-2	8
Memphis 59-3	8
Memphis 59-4	8
Memphis 59-5	8
Memphis 59-6	8
Memphis 60-1	8
Memphis 60-10	8
Memphis 60-2	8
Memphis 60-3	8
Memphis 60-4	8
Memphis 60-5	8
Memphis 60-6	8
Memphis 60-7	8
Memphis 60-8	8

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 60-9	8
Memphis 61	8
Memphis 69-1	8
Memphis 69-2	8
Memphis 71-1	8
Memphis 71-2	8
Memphis 71-3	8
Memphis 71-4	8
Memphis 71-5	8
Memphis 72-6	8
Memphis 73-1	8
Memphis 74-1	8
Memphis 74-5	8
Memphis 74-8	8
Memphis 75-1	8
Memphis 75-11	8
Memphis 75-2	8
Memphis 75-4	8
Memphis 75-5	8
Memphis 75-6	8
Memphis 75-7	8
Memphis 76-1	8
Memphis 76-4	8
Memphis 76-5	8
Memphis 76-6	8
Memphis 77-1	8
Memphis 77-2	8
Memphis 77-3	8
Memphis 78-1	8
Memphis 78-3	8
Memphis 79-1	8
Memphis 79-2	8
Memphis 79-3	8
Memphis 79-7	8
Memphis 79-8	8
Memphis 79-9	8
Memphis 82-1	8
Memphis 82-2	8
Memphis 82-3	8
Memphis 92-1	8
Memphis 92-2	8
Memphis 92-3	8
Memphis 93-3	8
Memphis 94-1	8
Memphis 94-2	8
Memphis 94-4	8
Memphis 94-6	8
Memphis 94-7	8
Ross Store 01	8
Ross Store 13	8

DISTRICT NINE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 1	9
Cordova 10	9
Cordova 11	9
Cordova 2	9
Cordova 3	9
Cordova 4	9
Cordova 5	9
Cordova 6	9
Cordova 7	9
Cordova 8	9
Cordova 9	9
Eads	9
Germantown 06	9
Memphis 16-1	9
Memphis 17	9
Memphis 20-1	9
Memphis 28-1	9
Memphis 28-2	9
Memphis 30	9
Memphis 33	9
Memphis 36-1	9
Memphis 36-3	9
Memphis 37	9
Memphis 38-1	9
Memphis 38-2	9
Memphis 43-1	9
Memphis 44-1	9
Memphis 44-2	9
Memphis 44-3	9
Memphis 44-4	9
Memphis 44-5	9
Memphis 45-1	9
Memphis 45-4	9
Memphis 46-1	9
Memphis 46-2	9
Memphis 52-2	9
Memphis 52-3	9
Memphis 53-1	9
Memphis 53-2	9
Memphis 53-3	9
Memphis 54	9
Memphis 55-1	9
Memphis 55-2	9
Memphis 56-1	9
Memphis 56-2	9
Memphis 56-3	9
Memphis 57	9

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 58-1	9
Memphis 58-2	9
Memphis 58-4	9
Memphis 62-1	9
Memphis 62-2	9
Memphis 63-2	9
Memphis 64	9
Memphis 65-1	9
Memphis 65-2	9
Memphis 66-1	9
Memphis 66-2	9
Memphis 67-1	9
Memphis 67-2	9
Memphis 67-3	9
Memphis 68-1	9
Memphis 68-2	9
Memphis 68-3	9
Memphis 70-1	9
Memphis 70-2	9
Memphis 70-3	9
Memphis 72-1	9
Memphis 72-3	9
Memphis 72-4	9
Memphis 72-5	9
Memphis 72-7	9
Memphis 73-2	9
Memphis 73-3	9
Memphis 73-4	9
Memphis 74-2	9
Memphis 74-4	9
Memphis 74-6	9
Memphis 74-9	9
Memphis 80-2	9
Memphis 81-1	9
Memphis 81-2	9
Memphis 81-3	9
Memphis 81-4	9
Memphis 81-5	9
Memphis 81-6	9
Memphis 81-7	9
Memphis 81-8	9
Memphis 83	9
Memphis 84-1	9
Memphis 84-2	9
Memphis 85	9
Memphis 86	9
Memphis 87-1	9
Memphis 87-2	9
Memphis 87-3	9
Memphis 88-1	9

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 88-2	9
Memphis 88-3	9
Memphis 88-4	9
Memphis 88-5	9
Memphis 89-1	9
Memphis 89-2	9
Memphis 89-3	9
Memphis 90-1	9
Memphis 90-2	9
Memphis 90-3	9
Memphis 91-1	9
Memphis 91-2	9
Memphis 91-3	9
Memphis 93-1	9
Memphis 93-2	9
Memphis 94-3	9
Memphis 94-5	9
Morning Sun	9
Ross Store 05	9
Ross Store 10	9
Ross Store 12	9
Ross Store 14	9

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is filed with the Comptroller of the City of Memphis. Should there be discrepancies between the census districts and the voting districts assigned by the Shelby County Election Commission, such discrepancies shall be resolved by the Election Commission by reference to the map filed with the Comptroller of the City.

Section 2. Nonconflicting—Conflicting laws.

BE IT FURTHER ORDAINED, that all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Effective date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

/s/ Rickey Peete
Chairman of Council

Attest:

/s/ REBECCA KISSINGER
City Comptroller

SUBSTITUTE ORDINANCE NO. 5001

[REVISES COUNCIL DISTRICTS]

Adopted.....JULY 6, 2003

AN ORDINANCE TO ASSIGN NEWLY ANNEXED AREAS TO COUNCIL DISTRICTS AND TO REVISE AND CHANGE ALL COUNCIL DISTRICTS AS A RESULT OF NEWLY ANNEXED AREAS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

PREAMBLE

WHEREAS, Judge Jerome Turner ruled that the electoral system established in 1968 with seven districts and six at-large positions violates federal law; and

WHEREAS, the Memphis City Council adopted a plan on May 16, 1995 to remedy the problems with the current electoral system; and

WHEREAS, on June 19, 1995 Judge Jerome Turner entered an injunction decree which provided that the City Council plan was not a violation of the Constitution or the Voting Rights Act; and

WHEREAS, the citizens of Memphis adopted this proposed plan for the City of Memphis elections and made it a part of the Charter of the City in a referendum election held November 5, 1996; and

WHEREAS, The Home Rule Charter of the City requires the Council to assign newly annexed areas to Council Districts and to make revisions and changes in all Districts by ordinance as a result of the assignment of newly annexed areas and as a result of population changes in the most recent U.S. Census so that all Council Districts will remain as equal as practicable;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

Section 1. Redistricting amendment.

That the Council districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 1	1
Cordova 11	1
Cordova 2	1
Cordova 5	1
Cordova 6	1

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 7	1
Eads	1
Memphis 53-3	1
Memphis 70-1	1
Memphis 70-3	1
Memphis 71-3	1
Memphis 72-1	1
Memphis 72-3	1
Memphis 72-5	1
Memphis 72-6	1
Memphis 72-7	1
Memphis 84-2	1
Memphis 85	1
Memphis 86	1
Memphis 87-1	1
Memphis 87-2	1
Memphis 87-3	1
Memphis 88-1	1
Memphis 88-2	1
Memphis 88-3	1
Memphis 88-4	1
Memphis 88-5	1
Memphis 89-1	1
Memphis 90-1	1
Memphis 90-2	1
Memphis 90-3	1
Morning Sun	1

DISTRICT TWO shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 10	2
Cordova 3	2
Cordova 4	2
Cordova 8	2
Cordova 9	2
Germantown 06	2
Memphis 66-2	2
Memphis 67-2	2
Memphis 67-3	2
Memphis 68-1	2
Memphis 74-6	2
Memphis 80-2	2
Memphis 81-1	2
Memphis 81-2	2
Memphis 81-3	2
Memphis 81-4	2
Memphis 81-5	2
Memphis 81-6	2
Memphis 81-7	2

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 81-8	2
Memphis 89-2	2
Memphis 89-3	2
Memphis 91-1	2
Memphis 91-2	2
Memphis 91-3	2
Memphis 93-1	2
Memphis 93-2	2
Memphis 93-3	2
Memphis 94-1	2
Memphis 94-3	2
Memphis 94-5	2
Ross Store 05	2
Ross Store 10	2
Ross Store 12	2
Ross Store 13	2
Ross Store 14	2

DISTRICT THREE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Capleville 1	3
Capleville 5	3
Memphis 60-5	3
Memphis 60-7	3
Memphis 73-4	3
Memphis 74-1	3
Memphis 74-2	3
Memphis 74-4	3
Memphis 74-8	3
Memphis 74-9	3
Memphis 78-1	3
Memphis 78-3	3
Memphis 79-1	3
Memphis 79-2	3
Memphis 79-3	3
Memphis 79-7	3
Memphis 79-8	3
Memphis 79-9	3
Memphis 92-1	3
Memphis 92-2	3
Memphis 92-3	3
Memphis 94-2	3
Memphis 94-4	3
Memphis 94-6	3
Memphis 94-7	3
Ross Store 01	3

DISTRICT FOUR shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 26-1	4
Memphis 29-1	4
Memphis 29-2	4
Memphis 31-1	4
Memphis 31-2	4
Memphis 31-3	4
Memphis 31-4	4
Memphis 60-3	4
Memphis 45-2	4
Memphis 47-1	4
Memphis 47-2	4
Memphis 47-3	4
Memphis 48	4
Memphis 58-1	4
Memphis 58-2	4
Memphis 58-3	4
Memphis 58-4	4
Memphis 59-2	4
Memphis 59-3	4
Memphis 59-4	4
Memphis 59-5	4
Memphis 59-6	4
Memphis 60-10	4
Memphis 60-2	4
Memphis 60-4	4
Memphis 60-6	4
Memphis 60-8	4
Memphis 60-9	4
Memphis 61	4
Memphis 65-1	4
Memphis 66-1	4
Memphis 73-1	4
Memphis 73-2	4
Memphis 73-3	4
Memphis 74-5	4

DISTRICT FIVE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 16-1	5
Memphis 17	5
Memphis 20-1	5
Memphis 28-1	5
Memphis 28-2	5
Memphis 30	5
Memphis 33	5
Memphis 36-1	5
Memphis 37	5
Memphis 38-1	5
Memphis 38-2	5

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 44-1	5
Memphis 44-2	5
Memphis 44-3	5
Memphis 44-4	5
Memphis 44-5	5
Memphis 45-1	5
Memphis 45-4	5
Memphis 46-1	5
Memphis 46-2	5
Memphis 52-2	5
Memphis 52-3	5
Memphis 53-1	5
Memphis 54	5
Memphis 55-1	5
Memphis 55-2	5
Memphis 56-1	5
Memphis 56-2	5
Memphis 56-3	5
Memphis 57	5
Memphis 63-2	5
Memphis 64	5
Memphis 65-2	5
Memphis 67-1	5
Memphis 68-2	5
Memphis 68-3	5

DISTRICT SIX shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 11	6
Memphis 12	6
Memphis 13-1	6
Memphis 13-2	6
Memphis 25-1	6
Memphis 25-2	6
Memphis 26-2	6
Memphis 26-3	6
Memphis 34-2	6
Memphis 35-1	6
Memphis 35-2	6
Memphis 35-3	6
Memphis 49-1	6
Memphis 49-2	6
Memphis 50-1	6
Memphis 50-2	6
Memphis 60-1	6
Memphis 34-1	6
Memphis 75-1	6
Memphis 75-11	6
Memphis 75-2	6

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 75-4	6
Memphis 75-5	6
Memphis 75-6	6
Memphis 75-7	6
Memphis 76-1	6
Memphis 76-4	6
Memphis 76-5	6
Memphis 76-6	6
Memphis 77-1	6
Memphis 77-2	6
Memphis 77-3	6
Memphis 82-1	6
Memphis 82-2	6
Memphis 82-3	6

DISTRICT SEVEN shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 01	7
Memphis 02	7
Memphis 07	7
Memphis 15	7
Memphis 16-3	7
Memphis 20-3	7
Memphis 21-1	7
Memphis 21-2	7
Memphis 21-3	7
Memphis 22	7
Memphis 27-1	7
Memphis 27-2	7
Memphis 32	7
Memphis 36-2	7
Memphis 36-3	7
Memphis 40-1	7
Memphis 40-2	7
Memphis 41-1	7
Memphis 41-2	7
Memphis 41-3	7
Memphis 42-1	7
Memphis 42-2	7
Memphis 43-1	7
Memphis 43-2	7
Memphis 51	7
Memphis 52-1	7
Memphis 53-2	7
Memphis 62-1	7
Memphis 62-2	7
Memphis 69-1	7
Memphis 69-2	7
Memphis 70-2	7

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 71-1	7
Memphis 71-2	7
Memphis 71-4	7
Memphis 71-5	7
Memphis 72-4	7
Memphis 83	7
Memphis 84-1	7

DISTRICT EIGHT shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Capleville 1	8
Capleville 5	8
Memphis 01	8
Memphis 02	8
Memphis 07	8
Memphis 11	8
Memphis 12	8
Memphis 13-1	8
Memphis 13-2	8
Memphis 15	8
Memphis 16-3	8
Memphis 20-3	8
Memphis 21-1	8
Memphis 21-2	8
Memphis 21-3	8
Memphis 22	8
Memphis 25-1	8
Memphis 25-2	8
Memphis 26-1	8
Memphis 26-2	8
Memphis 26-3	8
Memphis 27-1	8
Memphis 27-2	8
Memphis 29-1	8
Memphis 29-2	8
Memphis 31-1	8
Memphis 31-2	8
Memphis 31-3	8
Memphis 31-4	8
Memphis 32	8
Memphis 34-1	8
Memphis 34-2	8
Memphis 35-1	8
Memphis 35-2	8
Memphis 35-3	8
Memphis 36-2	8
Memphis 40-1	8
Memphis 40-2	8
Memphis 41-1	8

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 41-2	8
Memphis 41-3	8
Memphis 42-1	8
Memphis 42-2	8
Memphis 43-2	8
Memphis 45-2	8
Memphis 47-1	8
Memphis 47-2	8
Memphis 47-3	8
Memphis 48	8
Memphis 49-1	8
Memphis 49-2	8
Memphis 50-1	8
Memphis 50-2	8
Memphis 51	8
Memphis 52-1	8
Memphis 36-3	8
Memphis 58-3	8
Memphis 59-2	8
Memphis 59-3	8
Memphis 59-4	8
Memphis 59-5	8
Memphis 59-6	8
Memphis 60-1	8
Memphis 60-10	8
Memphis 60-2	8
Memphis 60-3	8
Memphis 60-4	8
Memphis 60-5	8
Memphis 60-6	8
Memphis 60-7	8
Memphis 60-8	8
Memphis 60-9	8
Memphis 61	8
Memphis 69-1	8
Memphis 69-2	8
Memphis 70-2	8
Memphis 71-1	8
Memphis 71-2	8
Memphis 71-4	8
Memphis 71-5	8
Memphis 72-4	8
Memphis 72-7	8
Memphis 73-1	8
Memphis 74-1	8
Memphis 74-5	8
Memphis 74-8	8
Memphis 75-1	8
Memphis 75-11	8
Memphis 75-2	8

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 75-4	8
Memphis 75-5	8
Memphis 75-6	8
Memphis 75-7	8
Memphis 76-1	8
Memphis 76-4	8
Memphis 76-5	8
Memphis 76-6	8
Memphis 77-1	8
Memphis 77-2	8
Memphis 77-3	8
Memphis 78-1	8
Memphis 78-3	8
Memphis 79-1	8
Memphis 79-2	8
Memphis 79-3	8
Memphis 79-7	8
Memphis 79-8	8
Memphis 79-9	8
Memphis 82-1	8
Memphis 82-2	8
Memphis 82-3	8
Memphis 92-1	8
Memphis 92-2	8
Memphis 92-3	8
Memphis 93-3	8
Memphis 94-1	8
Memphis 94-2	8
Memphis 94-4	8
Memphis 94-6	8
Memphis 94-7	8
Ross Store 01	8
Ross Store 13	8
Ross Store 14	8

DISTRICT NINE shall consist of the areas encompassed by the following Wards and Precincts:

<i>Precinct Name</i>	<i>Assigned District</i>
Cordova 1	9
Cordova 10	9
Cordova 11	9
Cordova 2	9
Cordova 3	9
Cordova 4	9
Cordova 5	9
Cordova 6	9
Cordova 7	9
Cordova 8	9
Cordova 9	9
Eads	9

<i>Precinct Name</i>	<i>Assigned District</i>
Germantown 06	9
Memphis 16-1	9
Memphis 17	9
Memphis 20-1	9
Memphis 28-1	9
Memphis 28-2	9
Memphis 30	9
Memphis 33	9
Memphis 36-1	9
Memphis 58-1	9
Memphis 37	9
Memphis 38-1	9
Memphis 38-2	9
Memphis 43-1	9
Memphis 44-1	9
Memphis 44-2	9
Memphis 44-3	9
Memphis 44-4	9
Memphis 44-5	9
Memphis 45-1	9
Memphis 45-4	9
Memphis 46-1	9
Memphis 46-2	9
Memphis 52-2	9
Memphis 52-3	9
Memphis 53-1	9
Memphis 53-2	9
Memphis 53-3	9
Memphis 54	9
Memphis 55-1	9
Memphis 55-2	9
Memphis 56-1	9
Memphis 56-2	9
Memphis 56-3	9
Memphis 57	9
Memphis 58-2	9
Memphis 58-4	9
Memphis 62-1	9
Memphis 62-2	9
Memphis 63-2	9
Memphis 64	9
Memphis 65-1	9
Memphis 65-2	9
Memphis 66-1	9
Memphis 66-2	9
Memphis 67-1	9
Memphis 67-2	9
Memphis 67-3	9
Memphis 68-1	9
Memphis 68-2	9

<i>Precinct Name</i>	<i>Assigned District</i>
Memphis 68-3	9
Memphis 70-1	9
Memphis 70-3	9
Memphis 71-3	9
Memphis 72-1	9
Memphis 72-3	9
Memphis 72-5	9
Memphis 72-6	9
Memphis 73-2	9
Memphis 73-3	9
Memphis 73-4	9
Memphis 74-2	9
Memphis 74-4	9
Memphis 74-6	9
Memphis 74-9	9
Memphis 80-2	9
Memphis 81-1	9
Memphis 81-2	9
Memphis 81-3	9
Memphis 81-4	9
Memphis 81-5	9
Memphis 81-6	9
Memphis 81-7	9
Memphis 81-8	9
Memphis 83	9
Memphis 84-1	9
Memphis 84-2	9
Memphis 85	9
Memphis 86	9
Memphis 87-1	9
Memphis 87-2	9
Memphis 87-3	9
Memphis 88-1	9
Memphis 88-2	9
Memphis 88-3	9
Memphis 88-4	9
Memphis 88-5	9
Memphis 89-1	9
Memphis 89-2	9
Memphis 89-3	9
Memphis 90-1	9
Memphis 90-2	9
Memphis 90-3	9
Memphis 91-1	9
Memphis 91-2	9
Memphis 91-3	9
Memphis 93-1	9
Memphis 93-2	9
Memphis 94-3	9
Memphis 94-5	9

<i>Precinct Name</i>	<i>Assigned District</i>
Morning Sun	9
Ross Store 05	9
Ross Store 10	9
Ross Store 12	9

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is filed with the Comptroller of the City of Memphis. Should there be discrepancies between the census districts and the voting districts assigned by the Shelby County Election Commission such discrepancies shall be resolved by the Election Commission by reference to the map filed with the Comptroller of the City.

Section 2. Nonconflicting-conflicting laws.

BE IT FURTHER ORDAINED That all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Effective date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

/s/ Brent Taylor
Chairman of Council

Attest:
/s/ REBECCA KISSINGER
City Comptroller

ORDINANCE NO. 5063

[AMENDS RESIDENCY REQUIREMENT OF PERSONS EMPLOYED SOLELY BY CITY]

Adopted.....JUNE 15, 2004
Referendum Election.....NOVEMBER 2, 2004

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO AMEND THE RESIDENCY REQUIREMENT OF PERSONS EMPLOYED SOLELY BY CITY (ARTICLE 27, SECTION 190) AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 2, 2004.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, and submitted by the City of Memphis to its qualified voters at the first general State election, which shall be held in the City of Memphis on November 2, 2004, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall Article 27, Section 190 of the Charter of the City of Memphis, Tennessee be deleted by substituting the following language to read as follows:

“Section 190. Residence requirements of persons employed solely by city and board and commission members.

(a) “Hereafter all persons, employed solely by the City of Memphis or any of its departments, boards, bureaus or commissions, shall be required to live and maintain a residence within the boundaries of the City of Memphis, as now defined or as may be hereafter defined and except that the City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for the city outside the territorial limits therein.

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 2, 2004, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller be and he is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November, 2004:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF
MEMPHIS TO REQUIRE ALL CITY GOVERNMENT EMPLOYEES LIVE WITHIN THE
BOUNDARY OF THE CITY OF MEMPHIS

Said Ordinance of the City of Memphis was adopted on the 1st day of June, 2004, to provide for referendum vote on a

Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

(a) "Hereafter all persons, employed solely by the City of Memphis or any of its departments, boards, bureaus or commissions, shall be required to live and maintain a residence within the boundaries of the City of Memphis, as now defined or as may be hereafter defined and except that the city council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for the city outside the territorial limits therein."

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.

FOR (YES)

AGAINST (NO)

Section 5. Effective Date of Charter Amendment

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 2nd day of November, 2004, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting—Conflicting Laws.

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, That if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it is hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts to be held to be invalid, if any.

Section 9. Effective Date of Referendum Ordinance.

BE IT FURTHER ORDAINED, That this Referendum Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

/s/ Joe Brown
Chairman of Council

Attest:

/s/ REBECCA KISSINGER
City Comptroller